

**LINOWES**  
**AND BLOCHER LLP**  
ATTORNEYS AT LAW

September 15, 2005

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**By Hand Delivery**

Hon. Steven Silverman  
Montgomery County Council  
100 Maryland Avenue, 6<sup>th</sup> Floor  
Rockville, Maryland 20850

Re: Clarksburg Town Center

Dear Mr. Silverman:


Enclosed is a copy of the response we filed on behalf of our client, Newland Communities, LLC and NNPII-Clarksburg LLC, to the allegations of site plan violations made by the Clarksburg Town Center Advisory Committee ("CTCAC") in its July 11, 2005 letter to the Planning Board. In light of more recent general allegations by the CTCAC, we felt it was important for you to have a clear statement of the facts as we understand them at this time.

With respect to the more recent allegations, as stated in our September 13, 2005 letter to Charlie Loehr, we will respond with facts to each allegation. However, as we also stated, the Planning Commission should require the CTCAC and its attorney to provide Newland Communities, its builders, and the Planning Commission with specifics as to each allegation. We also strongly and respectfully request that Councilmembers likewise insist upon the CTCAC providing specific information about any additional allegations they may raise.

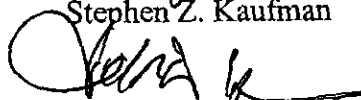
We are committed on behalf of Newland Communities to respond to each allegation in a professional and forthright manner. We will also assist Planning Commission staff in its investigation by providing whatever information may be available to us from our client or any of its consultants that may further help clarify matters.

Very truly yours,

**LINOWES AND BLOCHER LLP**



Stephen Z. Kaufman



Todd D. Brown

Enclosures

cc: Ms. Karen Orlansky

#505323 v1

**LINOWES**  
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September 7, 2005

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Hon. Derick Berlage, Chair  
and Members of the Montgomery  
County Planning Board  
Maryland-National Capital Park  
and Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Re: Clarksburg Town Center – Alleged Site Plan Violations

Dear Mr. Berlage and Members of the Planning Board:

On behalf of Newland Communities LLC and NNPII – Clarksburg LLC (collectively, “Newland Communities”), the purpose of this letter is to address the allegations made by the Clarksburg Town Center Advisory Committee (“CTCAC”) in its letter to the Planning Board dated July 14, 2005. Each allegation is addressed below in the order presented. Please include this letter in the Record of the Board’s proceedings in this matter.

As discussed below, a fundamental issue in this matter is the review and approval by Planning Staff of changes to plans previously approved by the Planning Board. As the Board is aware, its Opinion approving Site Plan 8-98001 included Condition 38 which authorized Planning Staff to review and approve changes within the development provided “the fundamental findings of the Planning Board remain intact and in order to meet the Project Plan and Site Plan findings.” Condition 38 further provides: “Consideration shall be given to building type and location, open space, recreation and pedestrian and vehicular circulation, adequacy of parking etc for staff review and approval.”

Thereafter, in order to facilitate implementation of the delegated authority set forth in Condition 38, at an internal staff meeting on April 13, 2000, Planning Staff distributed a memorandum that explained the process by which changes to existing approvals for Clarksburg Town Center would be reviewed and approved at the staff level. Specifically, the memorandum provided:

“Because many of the changes will be handled as staff level approvals (as allowed in the earlier reviews) we will still need to coordinate any staff

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approvals of changes to original site plan. At the end of our last meeting with [Terrabrook], I had explained that we would have them submit their changes to the DRC [Development Review Committee] for review prior to staff approvals. This way we could get comments in our usual format so we could determine if there was [sic] any issues of concern prior to staff sign-off."

This memorandum further indicated that general comments would be needed from staff on design issues that "will affect road design, SWM, SPA, possible historic preservation issues (may not change) PP road approvals, layout, parking, etc." (Attachment 1). It therefore is clear that Planning Staff had the authority to approve various types of changes within the Clarksburg Town Center and exercised that authority.

**1. "O" Street and Pedestrian Mews.**

This allegation concerns Phase 1 of the project and involves an area that lies between the Town Square and the adjacent Clarksburg United Methodist Church ("Church") property to the west. The CTCAC questions (i) the construction of a street in place of a pedestrian mews shown on the initial Phase 1 signature set site plan signed by Joseph Davis on March 24, 1999 ("1999 Site Plan"), and (ii) the deletion of a segment of Street "O" shown on the 1999 Site Plan adjacent to the Church property.

**a. Project Plan and Preliminary Plan Show Street, Not Mews.**

The area shown as a pedestrian mews on the 1999 Site Plan, was very clearly shown as a *street* on the Project Plan and Preliminary Plan approved by the Planning Board (9-94004 and 1-95042, respectively) (Attachment 2) and numerous exhibits comprising the Project Plan application. Many of these exhibits were reproduced in the Project Plan Staff Report dated March 23, 1995 and were considered by the Planning Board prior to approving the Project Plan. Along with the approved Project Plan drawing itself, exhibits clearly depicting this street included (i) Illustrative Building Plan (Attachment 3); (ii) Parking Framework Plan (Attachment 4); (iii) Framework Street Plan (Attachment 5); and (iv) Pedestrian Framework Plan (Attachment 6). The Parking Framework Plan clearly identified the area as "Private Street w/ On-Street Parking Both Sides". The Pedestrian Framework Plan depicted a "Primary Pedestrian Sidewalk" on both sides of this road.

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Significantly, the Illustrative Building Plan identified the "visual connection" between the Town Square and the Clarksburg United Methodist church as an "Important Vista". The CTCAC has raised this as a significant concern. However, the Board determined and found through its approval of the Project Plan that this important vista would be provided along and over a roadway, not a pedestrian mews.

**b. Development Review Committee Reviewed Realignment of Street "O" and Relocation of Mews.**

As noted, the 1999 Site Plan depicted a pedestrian mews (Attachment 7). However, on July 31, 2001 the Development Review Committee, comprised of representatives of MNCPPC Environmental Planning, MCDPS, MCDPWT, WSSC, MDSHA, MNCPPC Transportation Planning, PEPCO/Verizon/Washington Gas, MNCPPC Development Review, MNCPPC Community Based Planning, Parks Department, MCDEP and MCFRS, reviewed a proposed amendment to the 1999 Site Plan in accordance with the protocol described in the April 13, 2000 memorandum discussed above.<sup>1</sup> Among other items, the amendment proposed to realign Street "O" (to be known as Clarksridge Road), relocate the pedestrian mews, create a new park for the Clark Memorial and create a new tot lot (Attachment 9). The amendment also proposed changes in unit types to include rear loaded single-family detached and townhomes with detached garages accessed from alleys consistent with traditional town designs. The official minutes of the July 31, 2001 DRC meeting specifically reference the design of Clarksridge Road (the former mews area) and its intersection with what was shown on the plan as Street "M" (Attachment 10). The minutes also indicated a need to redesign this intersection. This redesign ultimately occurred and is reflected in an approved amendment to the 1999 Site Plan (discussed below).

We have also enclosed a complete signature set of plans approving an amendment to the 1999 Site Plan, approved by Planning Staff on May 30, 2003 (Attachment 11). This approved amendment (i) realigns Clarksridge Road; (ii) relocates the pedestrian mews; (iii) replaces a cluster of townhouses with a new tot lot; (iv) preserves an extensive hedgerow adjacent to the Clarksburg United Methodist Church; (v) creates a new park for the Clark Memorial; and (vi) expands the alley concept by incorporating rear loaded single-family detached and townhomes with detached garages. We also note the recorded subdivision plat dedicating Clarksridge Road

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<sup>1</sup> This was only one of several DRC meetings that were held to review proposed changes to the 1999 Site Plan that would be approved at the staff level (Attachment 8).



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as a street was reviewed by the Planning Board and signed by the Chairman and the Director of MCDPS (Attachment 12).

Based on the foregoing, the realignment of Street "O" and the relocation of the pedestrian mews were comprehensively reviewed by the professional staff of several agencies, including MNCPPC, MCDPS and MCDPWT. The changes to the 1999 Site Plan were approved in accordance with the protocol established by the April 13, 2000 memorandum and in accordance with the Planning Board's delegation of authority to approve changes to the site plan provided its fundamental findings remained intact. In this regard we note (i) the approved Project Plan contemplated the important vista between the Town Square and the Clarksburg United Methodist Church would be provided along a street, *not* a pedestrian mews; (ii) the Framework Street Plan reviewed at the time of the Project Plan approval did *not* designate Street "O" (Clarksridge Road) as a framework street, and thus its alignment was not particularly significant; (iii) the protocol established by the April 13, 2000 memorandum stated that consideration of changes would include building type and location and pedestrian and vehicular circulation – the very modifications at issue in this matter; and (iv) the realignment of Clarksridge Road and the relocation of the pedestrian mews were accompanied by other changes which, *inter alia*, (1) preserved an existing hedgerow and thereby increased green space and buffers; (2) provided additional recreation space; (3) improved the pedestrian environment by reducing curb cuts for driveways at the front of units and providing sidewalk continuity; and (4) reduced impervious surfaces in a designated Special Protection Area, all valid planning justifications.

## **2. Phasing of Amenities.**

This allegation contends Newland Communities has not complied with the site plan enforcement agreement concerning the phasing of amenities. Specifically, the CTCAC refers to a requirement that all community wide facilities within Site Plan No. 8-98001, must be completed and conveyed to the homeowners association no later than the receipt of a building permit for the 540<sup>th</sup> Lot/Unit.

First, it is important to dispel the suggestion that community amenities and recreation facilities have not been provided. Newland Communities has already constructed attractive recreation facilities and amenities within both Phase 1 and Phase 2 that are available for the residents' use. These facilities include 3 tot lots, a multiage play lot, 3 open play areas, 11 picnic/seating areas and 6 neighborhood squares and greens, one of two community pools and has graded and

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conveyed land to MNCPPC and MCPS for a new elementary school site and 3 athletic fields within Phase 2. We also note pending amendments to the Project Plan and the Phase 1A-4 site plan identify additional community amenities and facilities Newland Communities is prepared to provide.

Newland Communities will also provide other previously approved amenities and recreation facilities within Phases 1 and 2 in a timely and appropriate manner. Although delivery of some facilities is dependent on completion of home and road construction in adjacent areas to avoid introducing recreational uses to an active construction site, the full complement of amenities will be provided. The Board should also appreciate the administrative modifications previously approved by staff will result in a significantly greater number of amenities of higher quality than reflected on the original approved plans (Attachment 13).

**a. Phase 1 Site Plan Enforcement Agreement**

As to the asserted violation, by its terms the Site Plan Enforcement Agreement dated May 13, 1999 (Attachment 14) referred to controls development within Site Plan No. 8-98001. This is Phase 1 of the project. The agreement refers in several passages to Site Plan No. 8-98001 and the fact that Site Plan 8-98001 proposes construction of 768 units only (the Project Plan approved 1300 units). We also note the Planning Board's Opinion approving Site Plan 8-98001 is limited to 768 units.

The Phasing Plan attached as Exhibit E to the Phase 1 Site Plan Enforcement Agreement provides "All community wide facilities *within Site Plan 8-98001* must be completed and conveyed to the Association not later than the earlier of the receipt of a building permit for the 540<sup>th</sup> Lot/Unit [of Phase 1] or by fifteen (15) years from the date of the Site Plan Approval." (emphasis supplied) The Planning Board approved the Phase 1 Site Plan by its Opinion dated March 3, 1998. Clearly, one of the two outside points of completion, the 15-year trigger referenced above, has not been reached.

To the best of our knowledge, regarding issuance of a building permit for the 540<sup>th</sup> Lot/Unit, as of September 1, 2005, of the 768 units approved by the Planning Board in Site Plan 8-98001, a permit had been issued for 421 total units. Therefore, a permit for the 540<sup>th</sup> Lot/unit under Site Plan 8-98001 has not yet been issued, and this alternative trigger specified in the Site Plan Enforcement Agreement similarly has clearly also not been reached. We further note that of the 421 units for which a permit has been issued, 409 units were occupied as of September 1,

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2005, representing 53% occupancy of the total number of units approved by the Planning Board under Site Plan 8-98001.

**b. Phase 2 Site Plan Enforcement Agreement**

The Planning Board and Terrabrook Clarksburg L.L.C. (Newland Communities' predecessor) entered into a separate site plan enforcement agreement for Site Plan 8-02014 dated October 14, 2004 (Attachment 15). This agreement controls development within Phase 2 of the project. Phase 2 consists of 487 total units pursuant to the Board's Opinion for Site Plan 8-02014 dated June 17, 2002.

The Phase 2 Site Plan Enforcement Agreement includes a development program and phasing schedule independent of the phasing plan for Site Plan 8-98001 (Phase 1). The relevant triggers under the Phase 2 Site Plan Enforcement Agreement require local recreational facilities to be conveyed to the homeowners association by the earlier of (i) the date that applicants have closed on title to 70% of lots or units planned within such Phase; or (ii) 36 months from the date of receipt of the initial building permit "for a lot or unit in that Phase". All community-wide recreation facilities must be completed and conveyed to the homeowners association in the same timeframe, unless phases are delayed.

As of September 1, 2005 a permit had been issued for 332 units within Phase 2, of which 262 were occupied. This represents a 54% occupancy rate within Site Plan 8-02014. Thus, based on the Site Plan Enforcement Agreement schedule for completion and conveyance of recreational facilities within Phase 2, the specified level of occupancy within Phase 2 (*i.e.*, 70%) has not been reached. Additionally, the first building permit for a unit within Site Plan 8-02014 (Phase 2) was issued on November 24, 2003. Therefore, thirty six months from the date of receipt of such permit have not elapsed.

Based on the foregoing, there is no violation of the phasing of amenities.

**3. MPDU Plans.**

This allegation seems to contend that calculations regarding MPDU phasing are not accurate with respect to housing that has actually been constructed on-site. There is also the suggestion that MPDUs have not or will not be dispersed throughout the project.

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As indicated in the Project Plan Opinion, the MPDU requirement for Clarksburg Town Center is 12.5% of the total number of units within the project. As noted above, as of September 1, 2005 building permits have been issued for 753 total units within both Phase 1 and Phase 2. To the best of our knowledge, these permitted units include 73 MPDUs. Thus, the number of permitted MPDUs represents 9.7% of the total number of permitted units at this time. We further note that as of September 1, 2005, 671 total units have been constructed and occupied within Town Center, and 57 MPDUs have been constructed and are either occupied or are available for occupancy pending identification of qualified MPDU purchasers (we understand the remaining MPDUs are under construction). The number of constructed MPDUs represents 8.5% of the total number of occupied units.

MPDU construction within the project is subject to an Agreement with Montgomery County dated May 31, 2002 (Attachment 16). The Agreement contemplated construction of 163 MPDUs. That figure represented 12.5% of the 1,300 total units approved by the Planning Board in the Project Plan and Preliminary Plan Opinions. Based on a number of factors, including the loss of developable land area as a result of increased environmental regulation, less than 1,300 units will be developed within the Town Center. Accordingly, once the final number of units to be built in the completed project is determined, the MPDU Agreement will have to be modified to accurately reflect the 12.5% MPDU requirement for that number of units.

Exhibit A to the MPDU Agreement establishes the phasing sequence for MPDUs within the project. The approved phasing sequence permits MPDUs to be built throughout the entire timeframe of the project, including towards the end of project development. The MPDU Agreement indicates 72 MPDUs (or 9.2%) be included with the first 779 units. As noted above, as of September 1, 2005, building permits for 753 units had been issued, including 73 MPDUs (9.7%).

We also note the Planning Staff reports for Site Plan 8-02014 (Phase 2) (Attachment 17) and 8-02014B and 8-98001G (Manor Homes) (Attachment 18) each advised the Planning Board the provision of MPDUs was somewhat behind the number of units approved. This is entirely consistent with the signed MPDU Agreement as discussed above. The Staff Reports further advised the Board that when Phase 3 and the revisions to Phase 1 (*i.e.*, the Phase 1A-4 site plan amendment pending before the Board) were reviewed, the full measure of MPDUs would be supplied to the project. In fact, the Board's March 21, 2005 Opinion approving Site Plan 8-98001G and 8-02014B referenced testimony by both Staff and the applicant that remaining

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MPDUs would be constructed in later phases of the project (Attachment 19 at 3-4), and the Board's initial Opinion approving Site Plan 8-02014 dated June 17, 2002 stated that to maintain an equitable balance of MPDUs, units within [pending Section 1A-4] would not be constructed until the Planning Board approved a revision to that area. (Attachment 20 at 5).

The CTCAC also asserts without supporting evidence that the MPDUs have not been integrated into the community as a whole. This is incorrect. With the exception of the first section of the project constructed (Section 1B-1), which consists of 23 single-family detached homes (including the home of a principal advocate for the CTCAC), *all* sections of the project contain or will contain MPDUs. With respect to the single family detached section, the signed MPDU Agreement with the County clearly indicates that no MPDUs will be provided in connection with the first 23 units constructed in Section 1B-1.

#### **4. Discrepancies Regarding Site Plan for Phase II.**

This assertion (i) questions the sequence of plat recordation and permitting relative to the signing of the Phase 2 site plan enforcement agreement; (ii) states the site plan does not contain height information; and (iii) questions the authenticity of the Phase 2 signature set of site plans.

Regarding plat recordation and permitting relative to the signing of the signature set, the Commission's long standing practice is for the signature set of plans to be signed at the same time as the site plan enforcement agreement. In this regard, the Site Plan Enforcement Agreement for Site Plan 8-02014 (Phase 2) was revised to address Planning Staff comments, signed by Terrabrook Clarksburg L.L.C. (Newland Communities' predecessor) and submitted to the Planning Commission on June 27, 2003. The agreement was not signed until October 14, 2004. The exact sequence of events which occurred between these two dates (a period of approximately 17 months) is described below and documented in the enclosed letters and emails. (Attachment 21). These events highlight a longstanding issue within the review and approval process concerning lag time between the substantive approval of a plan and the review and execution of accompanying documentation:

**May 20, 2003** – Letter to MNCPPC transmitting revised draft SPEA, modified to reflect telephone conversation with Planning Staff.

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**June 19, 2003** – Letter to Terrabrook referencing a June 18, 2003 meeting with Planning Staff in which staff indicated its satisfaction with the SPEA but advised Terrabrook counsel of a need for MCPS to review the draft concerning the Park/School site.

**June 27, 2003** – Letter to MNCPPC referring to revisions to the SPEA made in response to a June 26, 2003 telephone conversation with staff and transmitting SPEA signed by Terrabrook for final approval.

**October 6, 2003** – Telephone conversation with Office of General Counsel during which the Board's attorney advised he would be speaking with MCPS about Park/School issues.

**October 20, 2003** – Telephone conversation with Office of General Counsel during which the Board's attorney advised he would be speaking with Planning Staff about conditions concerning road construction and requesting language be added to the SPEA to reference the Memorandum of Understanding and associated easements concerning the Park/School site.

**October 31, 2003** – Email to Office of General Counsel and Planning Staff transmitting revised portions of SPEA referencing MCPS and Clarksburg Development District.

**December 12, 2003** – Email to Office of General Counsel resending October 31, 2003 email.

**February 9, 2004** – Email to Terrabrook transmitting revised SPEA containing additional Planning Staff comments to incorporate Preliminary Plan conditions as a part of the SPEA.

**March 12, 2004** – Email to Planning Staff transmitting revised SPEA.

**September 20, 2004** – Email from Office of General Counsel requesting copy of Land Exchange Agreement with MCPS and MNCPPC that had been negotiated during intervening months and was signed on June 16, 2004. Also transmits final comments of Office of General Counsel.

**September 22, 2004** – Email to Office of General Counsel agreeing to language change requested by Office of General Counsel and confirming Land Exchange Agreement will be forwarded.

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**September 22, 2004** – Letter to Office of General Counsel transmitting executed Land Exchange Agreement and Construction and Grading Easement Agreement concerning Park/School site.

**October 13, 2004** – Telephone conversation with Office of General Counsel during which the General Counsel's office advised the SPEA had not yet been approved.

**October 14, 2004** – Email from Office of General Counsel confirming telephone conversation of even date concerning additional revisions to the SPEA and indicating the SPEA will be forwarded to Richard Hawthorne for signature on behalf of the Planning Board.

**October 14, 2004** – SPEA and signature set for Site Plan 8-02014 signed by Richard Hawthorne.

By letter dated June 30, 2005 (Attachment 22), the project engineers, Charles P. Johnson & Associates, Inc. ("CPJ"), advised the Planning Board that the Phase 2 record plats were recorded prior to signature of the Phase 2 site plan based on a discussion with three members of Planning Staff during which staff agreed (i) unresolved issues concerning the Park/School site were beyond the control of the developer; (ii) staff had reviewed the Phase 2 Site and Landscape Plans and determined all conditions of approval had been met; and (iii) staff would therefore allow the plats to be recorded. In this letter, CPJ also stated that a reference to the Phase 1 site plan on the Phase 2 plats was unintentional and "had absolutely no bearing on staff's decision to record the Phase 2 plats as discussed above." We are not aware of any evidence to the contrary.

Regarding the absence of building height information on the Phase 2 signature set and the suggestion that the plans are not authentic, Richard Hawthorne signed the Phase 2 site plan documents on behalf of the Planning Board on October 14, 2004. As indicated above, the Office of General Counsel specifically advised our office on October 14, 2004 that Mr. Hawthorne would be signing the documents for the Planning Board. To our knowledge, Mr. Hawthorne does not dispute this. Moreover, the absence of a specific building height standard on the plans does not vitiate their approval in any respect. The Planning Board height limit imposed either (i) through the incorporation of the Phase 2 Staff Report in its Phase 2 Site Plan Opinion (4 stories) or (ii) through the Project Plan Opinion (4 stories/45 feet) established the applicable residential building height standard whether shown in a site plan data table or not. We also note the May 30, 2003 amendment to the 1999 Site Plan (Section 1A Amendment)

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was approved without a building height limit specified on the plans themselves. This occurred more than one year before CTCAC raised any concern regarding building heights within the project, and completely dispels any suggestion that the absence of a height standard on the Phase 2 Site Plan data table was indicative of improper conduct by staff. The height limit approved by the Board in its applicable written opinion (as we have asserted throughout these proceedings), including attachments, controls whether specified in a data table or not.

#### **5. Inspections Related to Site Plan Enforcement Agreement.**

Each site plan enforcement agreement requires the applicant to send written notice requesting inspection of the project at certain specified times. Inspections are to be requested (i) prior to clearing and grading; (ii) at 70% occupancy; and (iii) at completion of the work under the site plan. At issue is whether such request was made prior to clearing and grading activities.

The project was an active construction site when acquired by Newland Communities in October 2003. Newland Communities does not have any information about whether its predecessor requested the required inspection under Site Plan 8-98001 or 8-02014 prior to clearing and grading. As discussed above, occupancy under neither Site Plan 8-98001 (Phase 1) nor Site Plan 8-02014 (Phase 2) has reached 70%. Therefore, the second required inspection request under each site plan is not yet required.

#### **6, 7 and 8. Altered Documentation, Pattern of Violation and Sanctions.**

These matters are for the Board to decide. However, the foregoing demonstrates the latest assertions by the CTCAC in its July 14, 2005 letter lack substantive merit. Significantly, the Board will recall staff very pointedly advised the Board at the beginning of the Phase 2 Site Plan hearing on May 2, 2002 that staff had been approving a number of changes pursuant to the authority delegated by the Board.<sup>2</sup> As demonstrated above, the more significant changes were

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<sup>2</sup> At the Phase 2 site hearing staff stated:

“[The Phase I Opinion] had something like 43 conditions to it and one of these conditions was to allow staff to work with the applicant to change unit types and make minor modifications to the layout so that we didn’t come back with every change in the site plan. And the applicant has kept us pretty busy with a lot of changes to those. The single-family detached section stayed the same but there have been significant, I think improvements in the layout and unit types and design relationships that were achieved and other of their revisions to the Phase I approved buildings . . .”



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taken to the Development Review Committee for a thorough review by all relevant regulatory agencies.

Furthermore, the assertions by the CTCAC in its July 14, 2005 letter show a willingness to justify its various positions by highlighting elements from different plans and agreements approved by the Board and its staff without regard to chronological timing or subsequently approved modifications or the terms of the several agreements at issue in this matter. For example, the Board will recall the CTCAC previously argued for enforcement of the Project Plan. Earlier correspondence from the CTCAC is replete with references in this regard. However, as demonstrated above, the pedestrian mews did not exist on the Project Plan. The area was very clearly shown as a street, not a pedestrian mews. The CTCAC now asks the Board to enforce the 1999 Site Plan, even though subsequent changes reviewed by the Development Review Committee and approved by staff are shown on the approved signature set of site plans for the Section 1A Amendment.

We also previously noted the Section 1A Amended Signature Set incorporated rear loaded townhomes with detached garages. *This modification removed front loaded townhomes and the extensive and repeated driveway curb-cuts associated with that unit type.* The result is a significantly more pedestrian-friendly environment, a major objective of the Master Plan, with uninterrupted sidewalks and pedestrian and vehicular conflicts minimized. As noted, this modification was reviewed by the DRC and subsequently approved by Planning Staff. This modification also provided the opportunity for at least two of the CTCAC principal spokespersons to purchase their homes on General Store Drive and Ebenezer Chapel Drive. The purchased units are townhomes with rear loaded detached garages. These units did not even exist on the 1999 Site Plan the CTCAC seeks to enforce. To the contrary, the 1999 Site Plan depicted townhomes on these streets as front-loaded units with integral garages. Thus, although the pedestrian mews was shown on the 1999 Site Plan (and subsequently relocated by the approved Section 1A Amendment), the homes of two principal complainants were not (Attachment 23).

Similarly, the CTCAC previously argued the site plan enforcement agreement was a binding document. In its decision on building heights, we understood the Board adopted this point of view. However, the CTCAC now seeks to avoid the terms of this agreement. It asks the Board to combine the number of dwelling units built under separate site plans and site plan enforcement agreements to require the provision of recreational facilities and amenities before the time specified in either agreement for such facilities and amenities to be provided for the

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units subject to that agreement. It appears to be a tactical argument that completely ignores the binding nature of the very document the CTCAC has relied on for other purposes.

Regarding MPDUs, the CTCAC is either unaware of or chooses to ignore the signed MPDU Agreement with the County. As demonstrated above, the provision of MPDUs is proceeding in accordance with the terms of that Agreement.

Lastly, it has been brought to our attention that in at least one instance approved and recorded subdivision plats reflect a lot configuration that is different from the configuration shown on the most recently signed signature set for that section of the project. We have discussed this matter with the project engineering consultants and are advised that in every such instance the engineers presented revised site plan drawing(s) to Planning Staff for review, Planning Staff reviewed and approved changes reflected on the revised drawing(s) and directed the engineers to submit record plats consistent with the reviewed and approved changes. An affidavit confirming the above approval process is attached (Attachment 24). We also emphasize that to our knowledge in every instance staff presented the record plats to the Board, and advised the Board that the plats were in order. The Board then approved the plats and they were signed by the Chairman, along with the Director of MCDPS and recorded.

It is clear that in many instances the recordkeeping in this case has been significantly less than adequate. However, that fact alone does not demonstrate a failure of the Planning Staff to review each and every modification to the site plans in accordance with the authority delegated by the Board and which changes were ultimately reflected in the final recorded subdivision plats for the project. As noted, each plat was reviewed and approved by this Board. Such approval and recordation constitutes *prima facie* evidence that the plats were in accordance with all legal requirements. More importantly, the professional consultant who worked with staff has stated exactly what occurred in this case and that each modification was reviewed and approved by staff. There is absolutely no evidence that such review did not occur. To the contrary, we understand staff has corroborated what is stated in the attached affidavit.

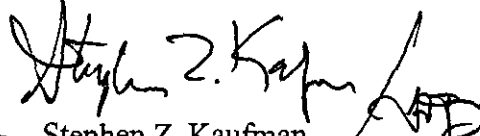
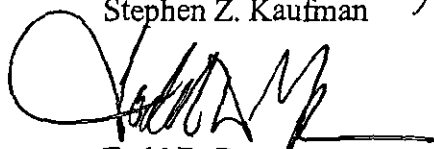
In closing, we request that the Board conclude this matter and find that no violations exist concerning the issues raised by the CTCAC in its letter. We also ask the Board to allow the pending Project Plan and Site Plan applications to be processed and presented to the Board for decision. Our client has heard from many within the community who are pleased with the Town Center development and who would like the project to be completed. We share that view. The Board should conclude this matter and, if necessary, impose a plan of compliance

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for the height and setback violations previously found by the Board to exist. Such plan should be reasonable and appropriate under the circumstances and should consider all the facts and the various governmental authorities whose decisions were not ignored, but instead were acted on by our client and the builders in good faith reliance and in the reasonable belief that the government had authorized construction to proceed following its review and approval of applicable plans and applications.

Very truly yours,

**LINOWES AND BLOCHER LLP**

  
Stephen Z. Kaufman  
  
Todd D. Brown

Enclosures

cc: Mr. Charles Loehr  
Mr. William Mooney  
Ms. Rose Krasnow  
Michele Rosenfeld, Esq.  
Mr. Richard Croteau (w/o enc.)  
Mr. Douglas Delano (w/enc.)  
Robert Brewer, Esq. (w/o enc.)  
Timothy Dugan, Esq. (w/o enc.)  
Kevin Kennedy, Esq. (w/o enc.)  
Barbara Sears, Esq. (w/o enc.)  
David Brown, Esq.

**List of Attachments**

1. April 13, 2000 MNCPPC Staff Memorandum
2. Approved Project Plan (9-94004) and Preliminary Plan (1-95042)
3. Project Plan Illustrative Building Plan
4. Project Plan Parking Framework Plan
5. Project Plan Framework Street Plan
6. Project Plan Pedestrian Framework Plan
7. Site Plan 8-98001 (1999 Site Plan) Signature Set
8. Development Review Committee Minutes and comments 2000 – 2001.
9. Proposed amendment to 1999 Site Plan Signature Set prepared by M/K Engineers, Inc., dated December 6, 2000 and signed by Terrabrook on June 21, 2001.
10. July 31, 2001 Development Review Committee Minutes
11. Section 1A Site Plan Amendment Signature Set
12. Subdivision Plat for Clarksridge Road
13. Status of Amenities – Phase I
14. Site Plan Enforcement Agreement dated May 13, 1999 for Site Plan 8-98001 (Phase 1)
15. Site Plan Enforcement Agreement dated October 14, 2004 for Site Plan 8-02014 (Phase 2)
16. MPDU Agreement with Montgomery County dated May 31, 2002
17. MNCPPC Staff Report for Site Plan 8-02014 (Phase 2) dated May 2, 2002.
18. MNCPPC Staff Report for Site Plan 8-98001G (Manor Homes) dated February 2, 2005.
19. Planning Board Opinion approving Site Plan 8-98001G and 8-02014B (Manor Homes) dated March 21, 2005

20. Planning Board Opinion for Site Plan 8-02014 (Phase 2) dated June 17, 2002
21. Letters and emails dated May 20, 2003 through October 14, 2004 concerning Site Plan Enforcement Agreement for Site Plan 8-02014 (Phase 2)
22. Letter dated June 30, 2005 from Charles P. Johnson & Associates, Inc. to MNCPPC
23. State Department of Assessments and Taxation Reports for property located at 23601 General Store Drive and 13021 Ebenezer Chapel Drive and excerpts from the 1999 Site Plan Signature Set and the Section 1A Amendment Signature Set
24. Affidavit of Lesley Powell, Charles P. Johnson & Associates, Inc. dated September 6, 2005.

April 13, 2000

RE: Agenda: Clarksburg Town Center Mtg

*file in notes*

The purpose of today's meeting is to discuss the general Terrabrooke changes to CTC, especially the first section of SFD's that they want to move along quite rapidly. This is an opportunity for our old review team to review the concepts prior to the applicant submitting them for staff level approval.

Because many of the changes will be handled as staff level approvals (as allowed in the earlier reviews) we will still need to coordinate any staff approvals of changes to original site plan. At the end of our last meeting with them, I had explained that we would have them submit their changes to the DRC for review prior to staff approvals. This way we could get comments in our usual format so we could determine if there was any issues of concern prior to staff sign-off.

Issues to discuss:

Fee for each revision.

Impervious area tally - required for allowable/previously approved/current amendment to be updated for portion

Review schedule for SPA - how could that fit into our model of DRC reviews?

General comments on design issues etc..

Changes will affect road design, SWM, SPA, possible historic preservation issues (may not change) PP road approvals, layout, parking, etc.

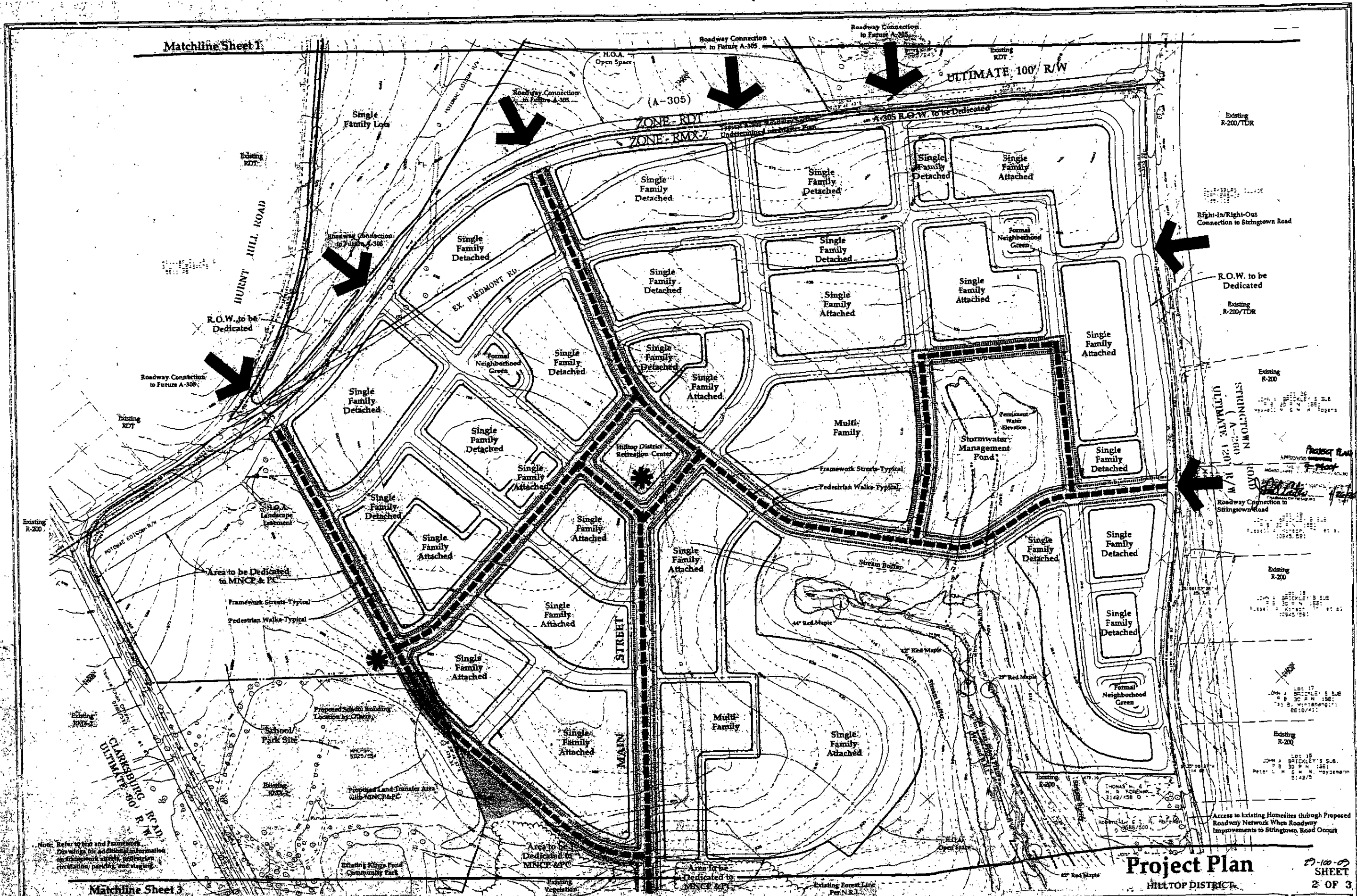
CBP is proposing a park foundation and will present concept at end of site plan issues.

*I.270 team*

Friday He 284

↑





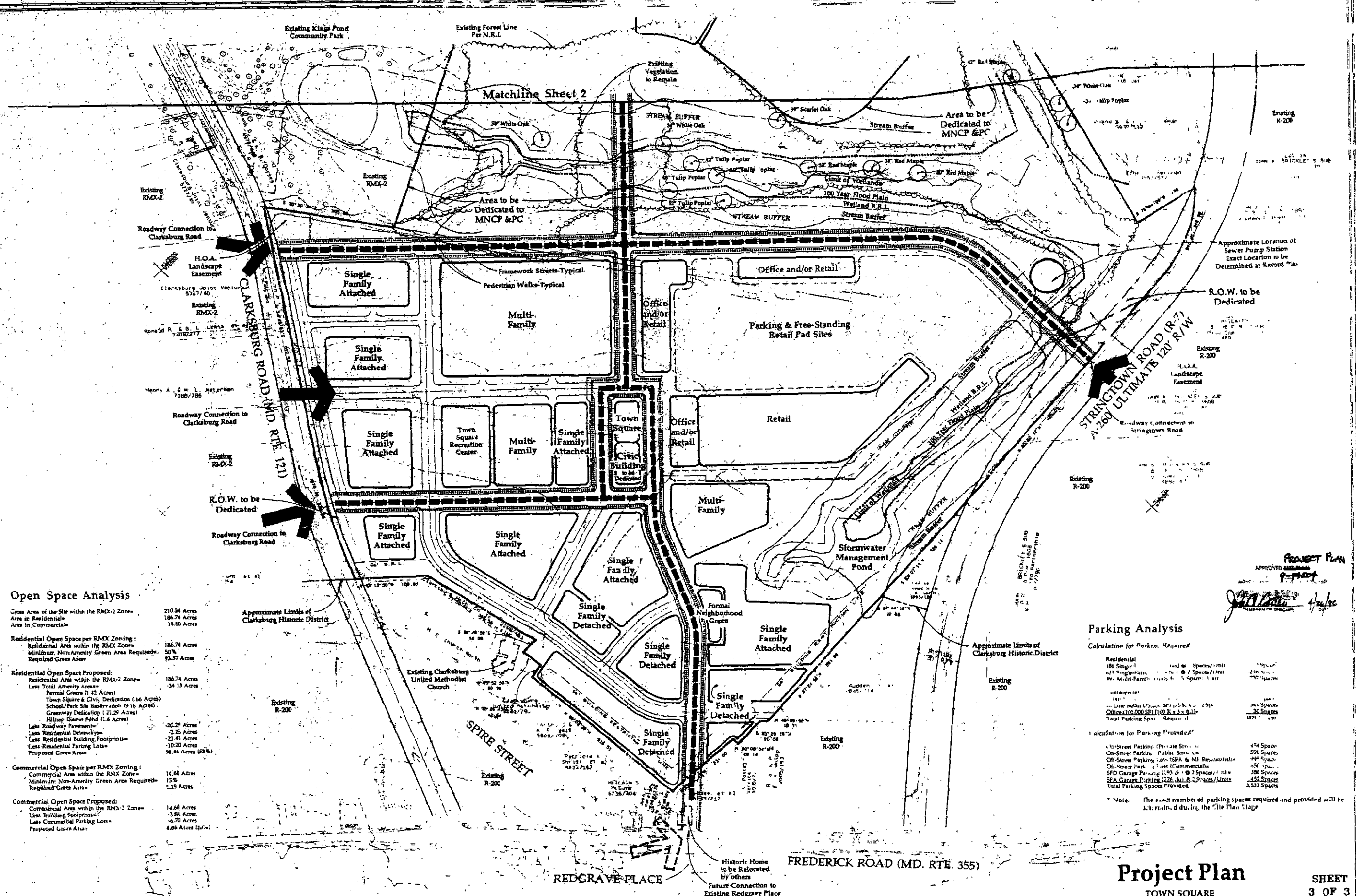
Note: Refer to text and framework drawings for additional information on drainage, utilities, circulation, parking, and staging.

**Project Plan**  
HILLTOP DISTRICT

29-100-07  
SHEET  
2 OF 3

# CLARKSBURG TOWN CENTER





# CLARKSBURG TOWN CENTER

1. Section One: General

2. Section Two: Definitions

3. Section Three: Survey

4. Section Four: Easements

5. Section Five: Other Provisions

6. Section Six: Miscellaneous

7. Section Seven: Signatures

8. Section Eight: Exhibits

9. Section Nine: Appendices

10. Section Ten: General Notes

11. Section Eleven: Other Provisions

12. Section Twelve: Miscellaneous

13. Section Thirteen: Signatures

14. Section Fourteen: Exhibits

15. Section Fifteen: Appendices

16. Section Sixteen: General Notes

17. Section Seventeen: Other Provisions

18. Section Eighteen: Miscellaneous

19. Section Nineteen: Signatures

20. Section Twenty: Exhibits

21. Section Twenty-One: Appendices

22. Section Twenty-Two: General Notes

23. Section Twenty-Three: Other Provisions

24. Section Twenty-Four: Miscellaneous

25. Section Twenty-Five: Signatures

26. Section Twenty-Six: Exhibits

27. Section Twenty-Seven: Appendices

28. Section Twenty-Eight: General Notes

29. Section Twenty-Nine: Other Provisions

30. Section Thirty: Miscellaneous

31. Section Thirty-One: Signatures

32. Section Thirty-Two: Exhibits

33. Section Thirty-Three: Appendices

34. Section Thirty-Four: General Notes

35. Section Thirty-Five: Other Provisions

36. Section Thirty-Six: Miscellaneous

37. Section Thirty-Seven: Signatures

38. Section Thirty-Eight: Exhibits

39. Section Thirty-Nine: Appendices

40. Section Forty: General Notes

41. Section Forty-One: Other Provisions

42. Section Forty-Two: Miscellaneous

43. Section Forty-Three: Signatures

44. Section Forty-Four: Exhibits

45. Section Forty-Five: Appendices

46. Section Forty-Six: General Notes

47. Section Forty-Seven: Other Provisions

48. Section Forty-Eight: Miscellaneous

49. Section Forty-Nine: Signatures

50. Section Fifty: Exhibits

51. Section Fifty-One: Appendices

52. Section Fifty-Two: General Notes

53. Section Fifty-Three: Other Provisions

54. Section Fifty-Four: Miscellaneous

55. Section Fifty-Five: Signatures

56. Section Fifty-Six: Exhibits

57. Section Fifty-Seven: Appendices

58. Section Fifty-Eight: General Notes

59. Section Fifty-Nine: Other Provisions

60. Section Sixty: Miscellaneous

61. Section Sixty-One: Signatures

62. Section Sixty-Two: Exhibits

63. Section Sixty-Three: Appendices

64. Section Sixty-Four: General Notes

65. Section Sixty-Five: Other Provisions

66. Section Sixty-Six: Miscellaneous

67. Section Sixty-Seven: Signatures

68. Section Sixty-Eight: Exhibits

69. Section Sixty-Nine: Appendices

70. Section Seventy: General Notes

71. Section Seventy-One: Other Provisions

72. Section Seventy-Two: Miscellaneous

73. Section Seventy-Three: Signatures

74. Section Seventy-Four: Exhibits

75. Section Seventy-Five: Appendices

76. Section Seventy-Six: General Notes

77. Section Seventy-Seven: Other Provisions

78. Section Seventy-Eight: Miscellaneous

79. Section Seventy-Nine: Signatures

80. Section Eighty: Exhibits

81. Section Eighty-One: Appendices

82. Section Eighty-Two: General Notes

83. Section Eighty-Three: Other Provisions

84. Section Eighty-Four: Miscellaneous

85. Section Eighty-Five: Signatures

86. Section Eighty-Six: Exhibits

87. Section Eighty-Seven: Appendices

88. Section Eighty-Eight: General Notes

89. Section Eighty-Nine: Other Provisions

90. Section Ninety: Miscellaneous

91. Section Ninety-One: Signatures

92. Section Ninety-Two: Exhibits

93. Section Ninety-Three: Appendices

94. Section Ninety-Four: General Notes

95. Section Ninety-Five: Other Provisions

96. Section Ninety-Six: Miscellaneous

97. Section Ninety-Seven: Signatures

98. Section Ninety-Eight: Exhibits

99. Section Ninety-Nine: Appendices

100. Section One Hundred: General Notes

101. Section One Hundred-One: Other Provisions

102. Section One Hundred-Two: Miscellaneous

103. Section One Hundred-Three: Signatures

104. Section One Hundred-Four: Exhibits

105. Section One Hundred-Five: Appendices

106. Section One Hundred-Six: General Notes

107. Section One Hundred-Seven: Other Provisions

108. Section One Hundred-Eight: Miscellaneous

109. Section One Hundred-Nine: Signatures

110. Section One Hundred-Ten: Exhibits

111. Section One Hundred-Eleven: Appendices

112. Section One Hundred-Twelve: General Notes

113. Section One Hundred-Thirteen: Other Provisions

114. Section One Hundred-Fourteen: Miscellaneous

115. Section One Hundred-Fifteen: Signatures

116. Section One Hundred-Sixteen: Exhibits

117. Section One Hundred-Seventeen: Appendices

118. Section One Hundred-Eighteen: General Notes

119. Section One Hundred-Nineteen: Other Provisions

120. Section One Hundred-Twenty: Miscellaneous

121. Section One Hundred-Twenty-One: Signatures

122. Section One Hundred-Twenty-Two: Exhibits

123. Section One Hundred-Twenty-Three: Appendices

124. Section One Hundred-Twenty-Four: General Notes

125. Section One Hundred-Twenty-Five: Other Provisions

126. Section One Hundred-Twenty-Six: Miscellaneous

127. Section One Hundred-Twenty-Seven: Signatures

128. Section One Hundred-Twenty-Eight: Exhibits

129. Section One Hundred-Twenty-Nine: Appendices

130. Section One Hundred-Thirty: General Notes

131. Section One Hundred-Thirty-One: Other Provisions

132. Section One Hundred-Thirty-Two: Miscellaneous

133. Section One Hundred-Thirty-Three: Signatures

134. Section One Hundred-Thirty-Four: Exhibits

135. Section One Hundred-Thirty-Five: Appendices

136. Section One Hundred-Thirty-Six: General Notes

137. Section One Hundred-Thirty-Seven: Other Provisions

138. Section One Hundred-Thirty-Eight: Miscellaneous

139. Section One Hundred-Thirty-Nine: Signatures

140. Section One Hundred-Forty: Exhibits

141. Section One Hundred-Forty-One: Appendices

142. Section One Hundred-Forty-Two: General Notes

143. Section One Hundred-Forty-Three: Other Provisions

144. Section One Hundred-Forty-Four: Miscellaneous

145. Section One Hundred-Forty-Five: Signatures

146. Section One Hundred-Forty-Six: Exhibits

147. Section One Hundred-Forty-Seven: Appendices

148. Section One Hundred-Forty-Eight: General Notes

149. Section One Hundred-Forty-Nine: Other Provisions

150. Section One Hundred-Fifty: Miscellaneous

151. Section One Hundred-Fifty-One: Signatures

152. Section One Hundred-Fifty-Two: Exhibits

153. Section One Hundred-Fifty-Three: Appendices

154. Section One Hundred-Fifty-Four: General Notes

155. Section One Hundred-Fifty-Five: Other Provisions

156. Section One Hundred-Fifty-Six: Miscellaneous

157. Section One Hundred-Fifty-Seven: Signatures

158. Section One Hundred-Fifty-Eight: Exhibits

159. Section One Hundred-Fifty-Nine: Appendices

160. Section One Hundred-Sixty: General Notes

161. Section One Hundred-Sixty-One: Other Provisions

162. Section One Hundred-Sixty-Two: Miscellaneous

163. Section One Hundred-Sixty-Three: Signatures

164. Section One Hundred-Sixty-Four: Exhibits

165. Section One Hundred-Sixty-Five: Appendices

166. Section One Hundred-Sixty-Six: General Notes

167. Section One Hundred-Sixty-Seven: Other Provisions

168. Section One Hundred-Sixty-Eight: Miscellaneous

169. Section One Hundred-Sixty-Nine: Signatures

170. Section One Hundred-Seventy: Exhibits

171. Section One Hundred-Seventy-One: Appendices

172. Section One Hundred-Seventy-Two: General Notes

173. Section One Hundred-Seventy-Three: Other Provisions

174. Section One Hundred-Seventy-Four: Miscellaneous

175. Section One Hundred-Seventy-Five: Signatures

176. Section One Hundred-Seventy-Six: Exhibits

177. Section One Hundred-Seventy-Seven: Appendices

178. Section One Hundred-Seventy-Eight: General Notes

179. Section One Hundred-Seventy-Nine: Other Provisions

180. Section One Hundred-Eighty: Miscellaneous

181. Section One Hundred-Eighty-One: Signatures

182. Section One Hundred-Eighty-Two: Exhibits

183. Section One Hundred-Eighty-Three: Appendices

184. Section One Hundred-Eighty-Four: General Notes

185. Section One Hundred-Eighty-Five: Other Provisions

186. Section One Hundred-Eighty-Six: Miscellaneous

187. Section One Hundred-Eighty-Seven: Signatures

188. Section One Hundred-Eighty-Eight: Exhibits

189. Section One Hundred-E

## Modification per Section 59-C-10.3.8 of the Zoning Ordinance

	Single-Family Detached	Townhomes	Courtyard Townhomes	Multi-Family
Net Lot Area	4,000 SF	12,220 SF	930 SF	N/A
Front Yard (Ord.)	10'	10'	10'	10'
Lot Width Minimum At Street Line	25'	36'	20'	N/A
Lot Width Minimum At Building Line	40'	16'	20'	N/A
Rear Yard Minimum (With or Without Perpendicular Parking)	25'	20'	6'	10'
Side Yard (Ord.)				
Side	5'	5'	0'	10'
Back	5'	0'	0'	20'
Min. Space Between Rear Buildings	N/A	20'	20'	30'
Maximum Height	35'	35'	35'	45'

(Dowryage (max. percentage of yard)

1. ☐ Unknown in front

2. ☐ from front street line

3. ☐ from side lot line

4. ☐ from rear lot line

5. ☐ from alley line

11 # corner lot  
From side street line along which an adjoining lot fronts  
from side street line along which an adjoining lot does not front  
from rear lot line

Height (maximum) in feet above the ground

... ..

	Commercial Buildings	Residential Buildings
11 From one-family residential zoning	107	100
12 From residential zoning other than one-family	54	34
13 From any street	25	30
14 From another commercial or industrial zoning	23	30

The Planning Board may reduce the minimum setbacks shown in (a) through (d) above, no greater than 50%, upon a finding that trees or other features on the site permit a lesser setback without adversely affecting development on an adjoining property.

No minimums will be required if in accordance with master plan.

The applicant is requesting with this Project Plan for the Planning Board to reduce by 50% the minimum setbacks in items a, b and d above and a complete waiver for item c since Clariberry Town Center is in complete compliance with the Master Plan.

On my arrival at the home of my professional knowledge,  
I have been able to find out that the person named "John Doe"  
is a very common name. I have found out that he was born  
in 1908 and that he has been married three times.  
He has two children and is now living in New York City.  
He is a very successful businessman and has made a great deal  
of money. He is also a very popular man and is well known  
in his community.

*[Signature]*

RECEIVED BY THE  
FEDERAL BUREAU OF INVESTIGATION  
JULY 12 1971



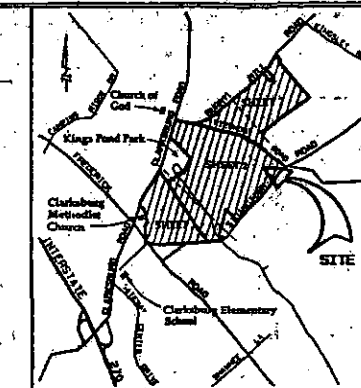
Cross Site Acquire	270.16 Acres
Total Area to be Dedicated	44.09 Acres
Land for Civic Building (0.76 ac)	
School Land to Mont. Co. (8.16 ac)	
R.O.V.L. for Major Roads (7.32 ac)	
R.O.V.L. for Public Streets (27.59 ac)	
Net Area of E22	\$26.07 Acres

**Note:**  
All Roadway Curve Radii shown are to the  
Centerline of the Road. The Typical Curb  
Radius at Intersections is 15'

All Sanitary Sewers to be 8" unless otherwise noted. All Sanitary Sewers, Storm Sewers, and Water Lines are proposed only unless otherwise noted.

**NOTE:** The site layout as shown on this plan is for reference purposes only and is subject to change. The final layout for the site or portions of the site will be determined during site plan process.

<b>Residential Density Allowed per Approved Clearing Master Plan (Adopted June 1994):</b> Acres within the 200-ft Buffer Zone: Density Recommended: Total Number of Units Allowed:		200-ft Buffer Zone 9 Units/Acre 1 Unit/Unit
<b>Residential Density per Zoning Ordinance:</b> Allowed on R6000 Zoning: Density Permitted: Total Number of Units Allowed:		200-ft Buffer Zone 9 Units/Acre 1 Unit/Unit
<b>Residential Density Permitted:</b> Acres within the 200-ft Buffer Zone: Density Permitted: Total Number of Units Permitted:		200-ft Buffer Zone 9 Units/Acre 1 Unit/Unit
<b>Commercial Density Allowed per Approved Clearing Master Plan (Adopted June 1994):</b> Total Number of Units Permitted Along the 200-ft Buffer Zone: Total Units Beyond Buffer Allowed:		200-ft Buffer Zone 20 Units/Acre 20 Units/Acre
<b>Commercial Density per Zoning Ordinance:</b> Commercial Area within the 200-ft Buffer Zone: Density Recommended: Total Units Permitted Allowed:		200-ft Buffer Zone 20 Units/Acre 20 Units/Acre
<b>Commercial Density Permitted:</b> Commercial Area within the 200-ft Buffer Zone: Maximum Density Permitted: Total Units Permitted:		200-ft Buffer Zone 20 Units/Acre 20 Units/Acre



'SCALE: 1" = 2000'

Block Number	Proposed Lead Use		Drilling (inches)	Lots
	Single Family Detached	Single Family Attached		
Block 1	-	< 45	137	65
Block 2	-	-	-	1
Block 3	-	25	-	25
Block 4	-	11	12	12
Block 5	-	13	-	13
Block 6	9	52	-	61
Block 7	-	-	7	7
Block 8	-	-	28	1
Block 9	-	22	34	34
Block 10	17	-	-	17
Block 11	17	-	-	17
Block 12	17	-	-	17
Block 13	14	-	-	14
Block 14	24	-	-	24
Block 15	12	24	-	36
Block 16	9	17	-	26
Block 17	12	-	-	12
Block 18	12	-	-	12
Block 19	4	-	-	4
Block 20	4	16	-	19
Block 21	6	39	-	45
Block 22	14	-	-	14
Block 23	-	-	178	1
Block 24	-	-	6	6
Block 25	-	74	-	74
Block 26	-	54	-	54
Block 27	-	-	81	1
Block 28	-	147	-	147
Block 29	-	-	-	28
Block 30	12	-	-	2
Block 31	18	-	-	18
<b>Totals</b>	<b>126</b> <b>dc</b>	<b>623</b> <b>dc</b>	<b>871</b> <b>dc</b>	<b>814</b> <b>lots</b>

**TOTAL UNIT COUNT    LEAD UNITS**

Note : Block 18 is administratively retained.

**Residential Land Use Summary**

LAND USE	PROPOSED
Single-Family Detached	DENSITY RANGE
Single-Family Attached	150-250 Units
Multi-Family	300-420 Units
Total Number of Residential Units	300-550 Units
	1.50 Units/Residential Acre

**Non-Residential Land Use Summary**

Hotel	150,000 SF	Montgomery
Office	150,000 SF	Montgomery
Civic Use	30,000 SF	

\* 24,000 SF Show, Aerial View to be Determined.

**Notes:**

The location of Montgomery Planned Dwelling Units (MPDU's) will be located, in total area designated as Single-Family Attached, and Single-Family and Town. A total of 143 MPDU's of the total units will be designated as MPDU's with the location plot to be determined on the site plan.

Block Number	Parcel	Proposed Land Use (Square Feet or Acres)					
		Resalt	Office	Civic	Residential Center	Open Space	PRM
Block 4	Parcel A	-	-	-	0.9 ac	-	-
Block 8	Parcel A	150,000 sf	100,000 sf	-	-	0.26 ac	-
Block 8	Parcel B	-	-	-	-	-	-
Block 8	Parcel C	-	-	24,000 sf	-	-	-
Block 9	Parcel A	-	-	-	-	0.13 ac	-
Block 9	Parcel B	-	-	-	-	-	5.06 ac
Block 14	Parcel A	-	-	-	-	0.30 ac	-
Block 18	Parcel A	-	-	-	-	0.33 ac	-
Block 18	Parcel B	-	-	-	0.85 ac	-	-
Block 22	Parcel A	-	-	-	-	-	1.60 ac
Block 25	Parcel A	-	-	-	-	0.25 ac	-
Block 25	Parcel B	-	-	-	-	9.36 ac	-
Block 30	Parcel A	-	-	-	-	0.62 ac	-
Totals		150,000 sf	100,000 sf	24,000 sf	1.75 ac	10.63 ac	4.66 ac

# CLARKSBURG TOWN CENTER

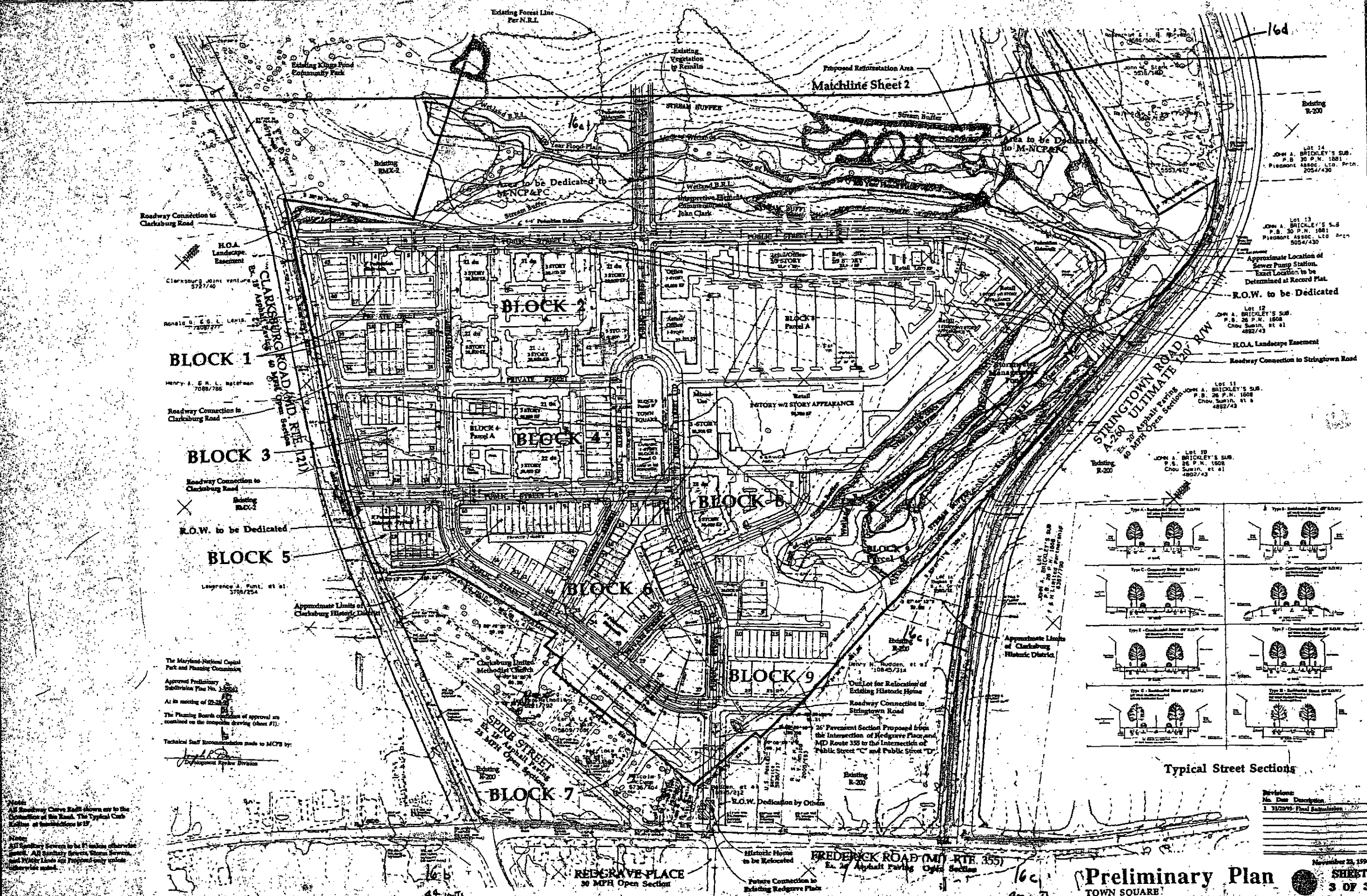
## MONTGOMERY COUNTY, MARYLAND

## Preliminary Plan

November 23, 1994  
SHEET  
1 OF 3







Notes:  
All Roadway Curves Shall be shown as to the location of the Road. The Typical Curve shall be at least 100 feet.  
All Utility Cuts shall be shown as to the location of the Cut. The Typical Cut shall be at least 10 feet.  
All Utility Cuts shall be shown as to the location of the Cut. The Typical Cut shall be at least 10 feet.

The Maryland-National Capital Park and Planning Commission  
Approved Preliminary Subdivision Plan No. 1-1000  
At its meeting of 10/20/94  
The Planning Board's approval of approval is contained on the certificate drawing (Sheet #1).  
Technical Staff Recommendation made to M-NCPPC by:  
Development Review Division

Typ A - Standard Road (R-200)	Typ B - Standard Road (R-200)
Typ C - Standard Road (R-200)	Typ D - Standard Road (R-200)
Typ E - Standard Road (R-200)	Typ F - Standard Road (R-200)
Typ G - Standard Road (R-200)	Typ H - Standard Road (R-200)
Typ I - Standard Road (R-200)	Typ J - Standard Road (R-200)

Typical Street Sections

Revisions	No.	Date	Description
1	11/20/95	Final	Final

# CLARKSBURG TOWN CENTER



MONTGOMERY COUNTY, MARYLAND

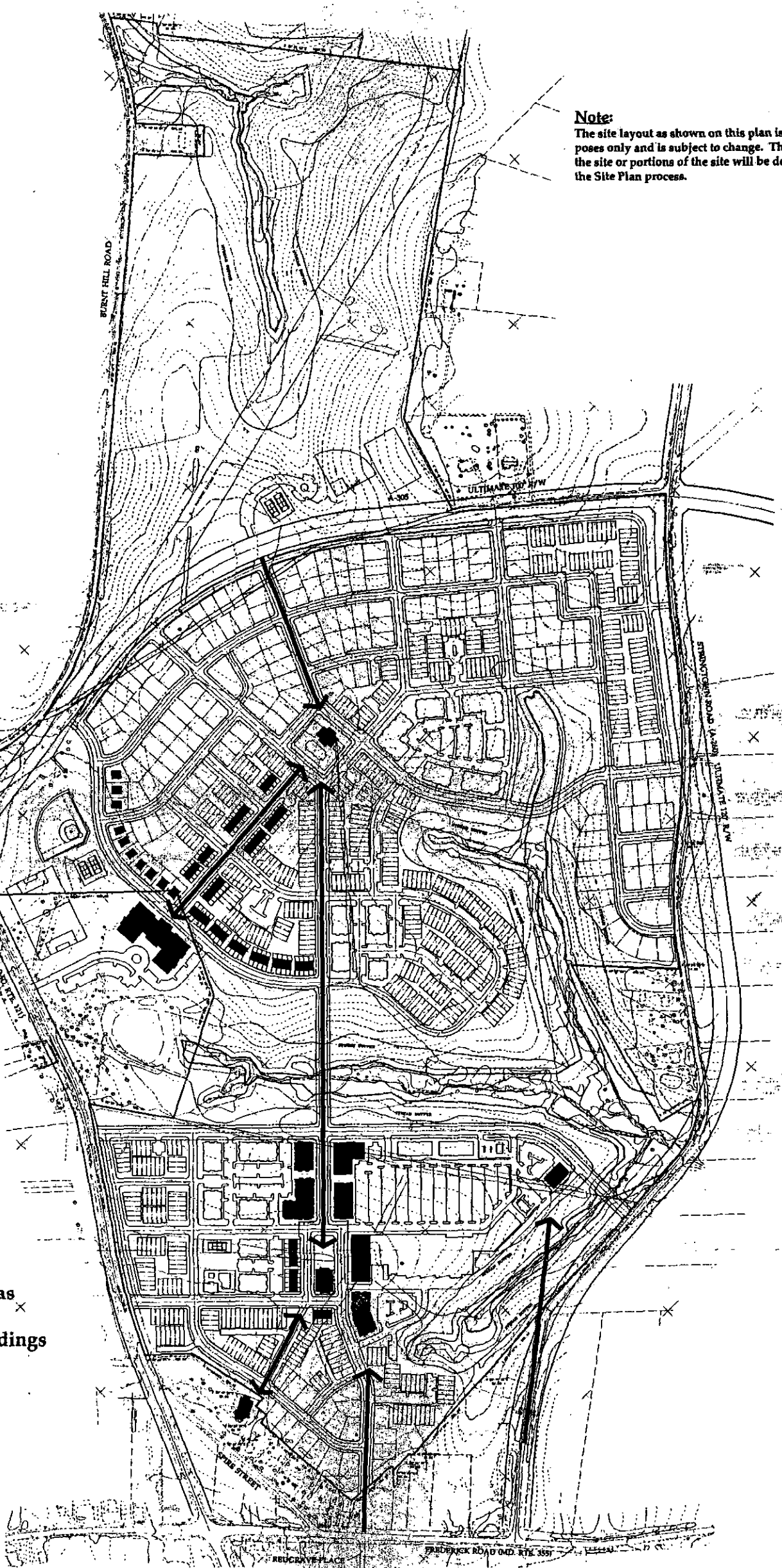
Preliminary Plan  
TOWN SQUARE  
November 23, 1994  
SHEET 3 OF 3



**Note:**  
The site layout as shown on this plan is for reference purposes only and is subject to change. The final layout for the site or portions of the site will be determined during the Site Plan process.

**Legend**

-  Important Vistas
-  Significant Buildings



**Illustrative Building Plan**

## Parking Analysis:

### Parking Required

#### Residential:

189 Single-Family Detached @ 2 Spaces/Unit= 378 Spaces

641 Single-Family Attached @ 2 Spaces/Unit= 1282 Spaces

470 Multi-Family Units @ 1.5 Spaces/Unit= 705 Spaces

#### Commercial:

Retail Food Store (65,000 SF)= 300 Spaces

In-Line Retail (63,000 SF) (85K x 5 x 0.9)= 383 Spaces

Office (100,000 SF) (100K x 3 x 0.1)= 30 Spaces

Civic (24,000 SF) (24K x 3)= 72 Spaces

**Total Parking Spaces Required= 3150 Spaces**

### Parking Provided

On-Street Parking (Public/Private Streets)= 1665 Spaces

Off-Street Parking (Residential)= 1085 Spaces

Off-Street Parking (Commercial)= 745 Spaces

SFD Garage Parking @ 2 Spaces/Unit= 378 Spaces







SFA Garage Parking @ 2 Spaces/Unit= 452 Spaces

**Total Parking Spaces Provided= 4325 Spaces**

## Parking Notes:

1. Final parking counts to be determined during the Site Plan phase.
2. On-street parking spaces on public streets have been included in the calculation for parking spaces provided and will count towards the requirement.
3. Some on-street parking spaces located on public streets adjacent to higher density residential will be reserved utilizing the "Residential Permit Parking Area" concept.
4. The commercial and civic parking requirement calculations utilized the shared parking scenario allowed in the RMD zone.

## Legend

-  Public Street w/ On-Street Parking Both Sides
-  Public Street w/ On-Street Parking One Side
-  Private Street w/ On-Street Parking Both Sides
-  Private Street w/ On-Street Parking One Side
-  Private Street w/ Off-Street Parking
-  Parking Lot

### Note:

The site layout as shown on this plan is for reference purposes only and is subject to change. The final layout for the site or portions of the site will be determined during the Site Plan process.

## Parking Framework Plan


CLARKSBURG TOWN CENTER  
MONTGOMERY COUNTY, MARYLAND

November 23, 1994

Scale: 1"=200'

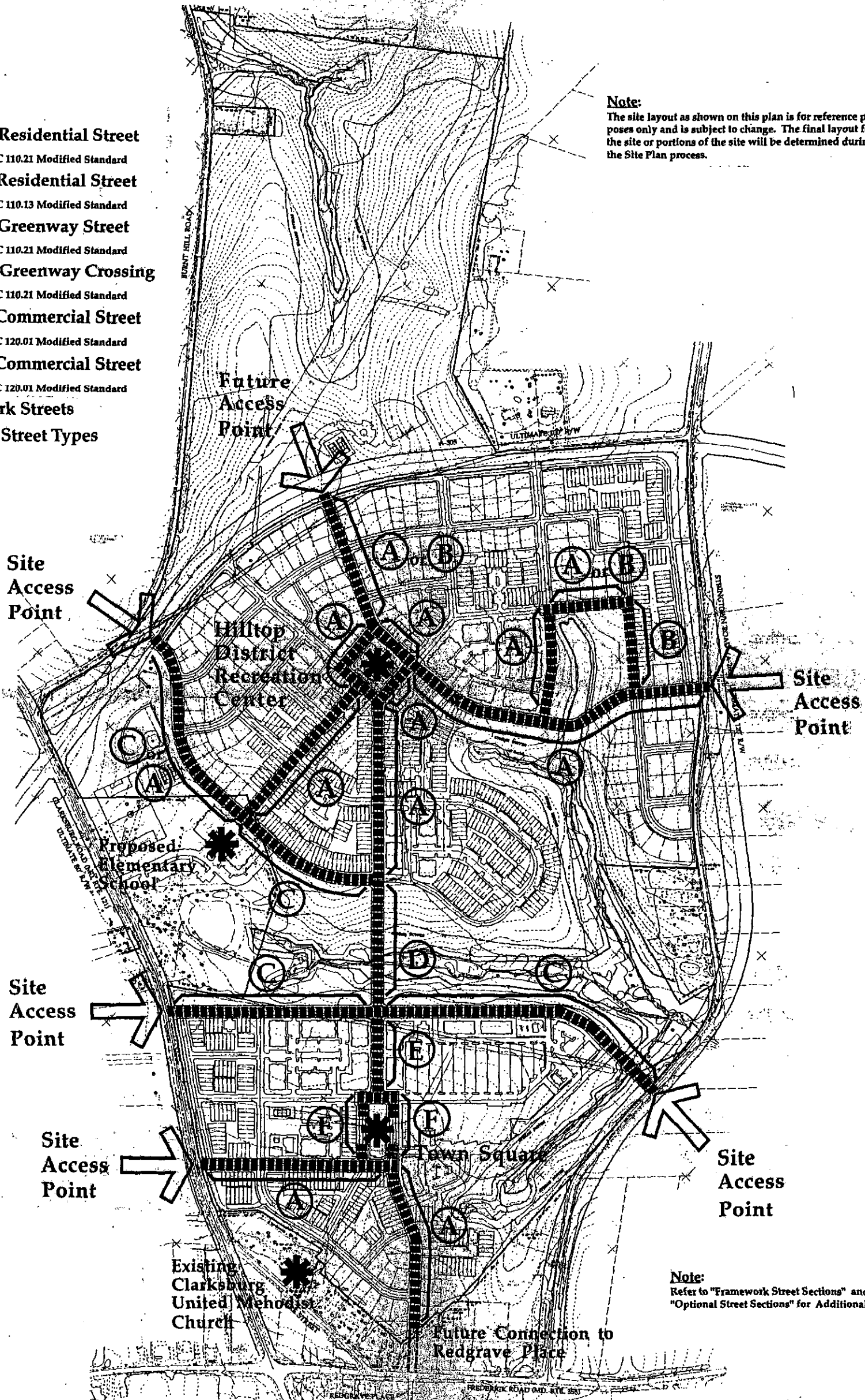


**Legend:**

- (A) Type A - Residential Street  
60' R.O.W., MC 110.21 Modified Standard
- (B) Type B - Residential Street  
50' R.O.W., MC 110.13 Modified Standard
- (C) Type C - Greenway Street  
60' R.O.W., MC 110.21 Modified Standard
- (D) Type D - Greenway Crossing  
60' R.O.W., MC 110.21 Modified Standard
- (E) Type E - Commercial Street  
60' R.O.W., MC 120.01 Modified Standard
- (F) Type F - Commercial Street  
60' R.O.W., MC 120.01 Modified Standard
-  Framework Streets
-  Optional Street Types

**Note:**

The site layout as shown on this plan is for reference purposes only and is subject to change. The final layout for the site or portions of the site will be determined during the Site Plan process.

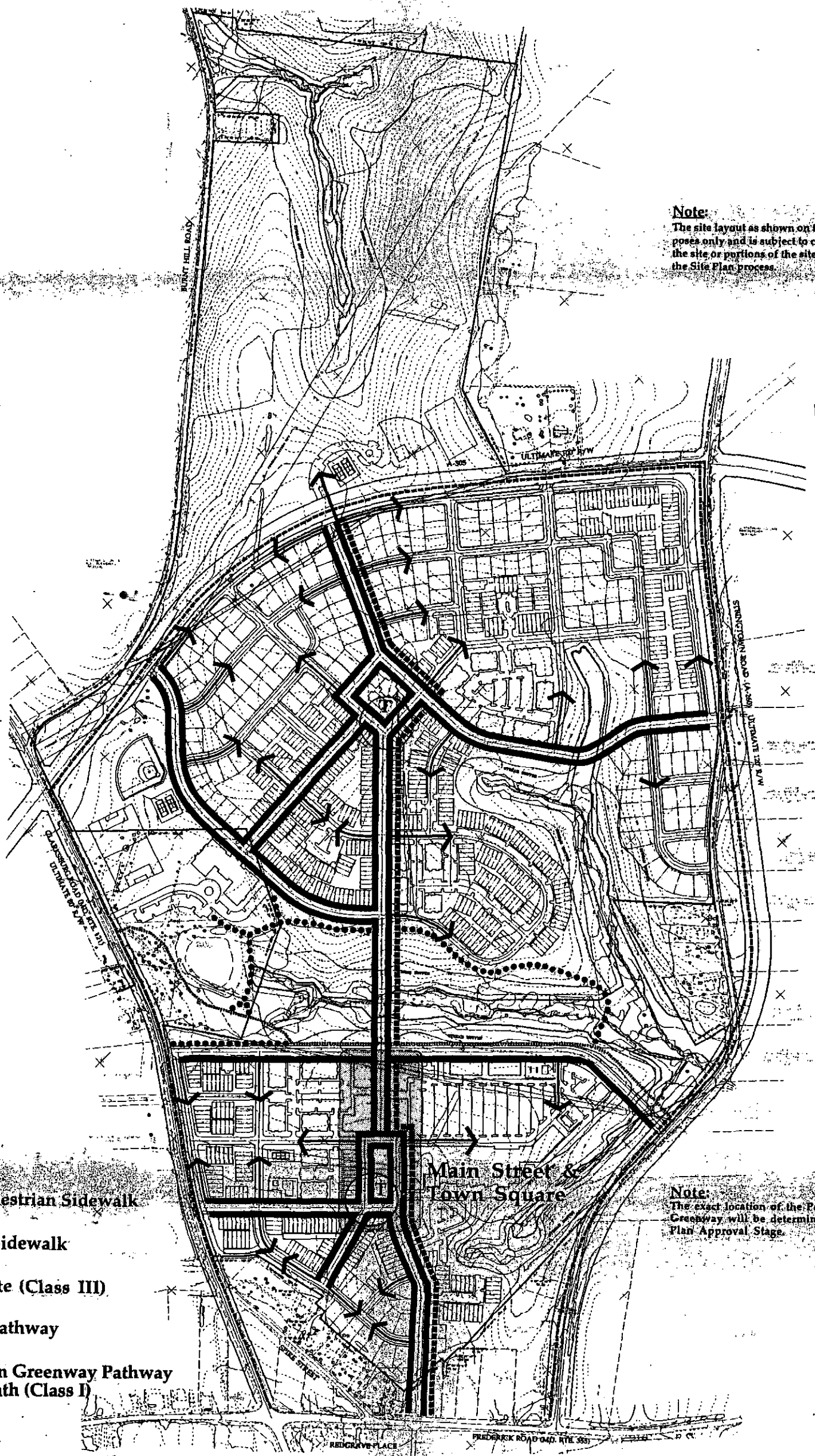


**Note:**

Refer to "Framework Street Sections" and "Optional Street Sections" for Additional Information

**Framework Street Plan**





**Note:**  
The site layout as shown on this plan is for reference purposes only and is subject to change. The final layout for the site or portions of the site will be determined during the Site Plan process.

**Legend**

- Primary Pedestrian Sidewalk
- Secondary Sidewalk
- Bicycle Route (Class III)
- Greenway Pathway
- Combination Greenway Pathway & Bicycle Path (Class I)
- Transit Stop
- Master Planned Bicycle Route

**Note:**  
The exact location of the Pathway within the Greenway will be determined during the Site Plan Approval Stage.

**Pedestrian Framework Plan**

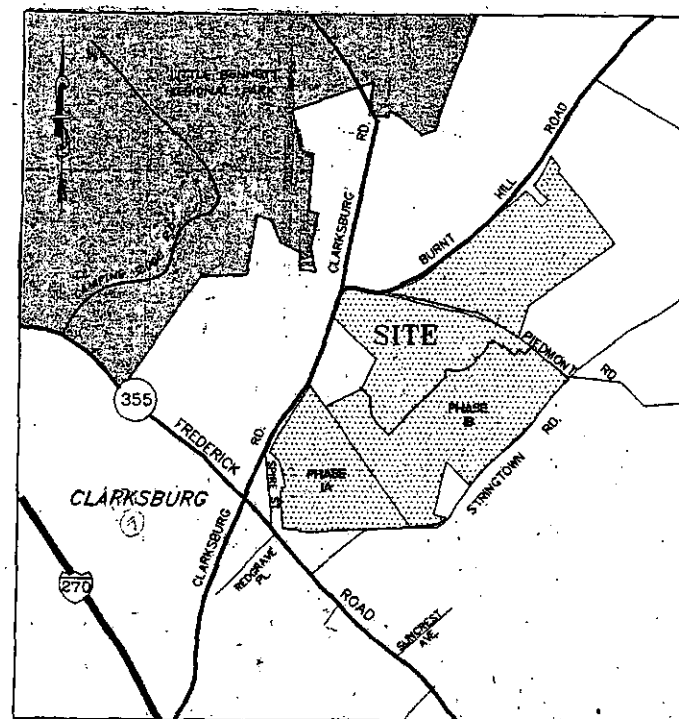


# CLARKSBURG TOWN CENTER

CLARKSBURG (2ND) ELECTION DISTRICT  
MONTGOMERY COUNTY, MARYLAND

## SITE PLAN PHASE I

(8-98001)



VICINITY MAP  
SCALE: 1"=1000'

### SHEET INDEX

SHEET 1-8 PHASE IA  
SHEET 9-13 PHASE IB  
SHEET A STREET SECTIONS  
SHEET B NOTES, DATA TABLES  
SHEET C OVERALL SITE AND ADJACENT VICINITY  
SHEET D GREENWAY PARK/SCHOOL SITE  
SHEET E ROUTE 355/STRINGTOWN ROAD

APPROVED SITE PLAN  
FILE NO. 8-11001  
MONTGOMERY COUNTY PLANNING BOARD

*[Signature]* 3/24/94  
MANAGER OF DESIGN



THE UNDERSIGNED HEREBY CERTIFIES ALL THE FEATURES AND REQUIREMENTS OF THIS SITE PLAN IN ACCORDANCE WITH THE AGREEMENTS BETWEEN THE MONTGOMERY COUNTY PLANNING BOARD AND THE UNDERSIGNED, DATED 1/15/94.  
BY *[Signature]*  
PRINTED NAME AND TITLE: Steven M. Kishner  
Managing General Partner

NO.	DATE	REVISION
1	1-6-94	REVISED FOR MONT CO. PLAN

OWNER:  
CLARKSBURG JOINT VENTURE  
342 HUNGERFORD DR.  
ROCKVILLE, MD 20850

ENGINEER/PLANNER:  
M.J. ENTERPRISES  
2900 LINDEN LA., SUITE 200  
SILVER SPRING, MD 20910

ARCHITECT/LAND PLANNER:  
CRK ARCHITECTS/PLANNERS INC.  
1300 SPRING STREET, SUITE 500  
SILVER SPRING, MD 20910

ATTORNEY:  
LIMOWE & BLOCHER  
1010 WAYNE AVE., 10TH FL.  
SILVER SPRING, MD 20910

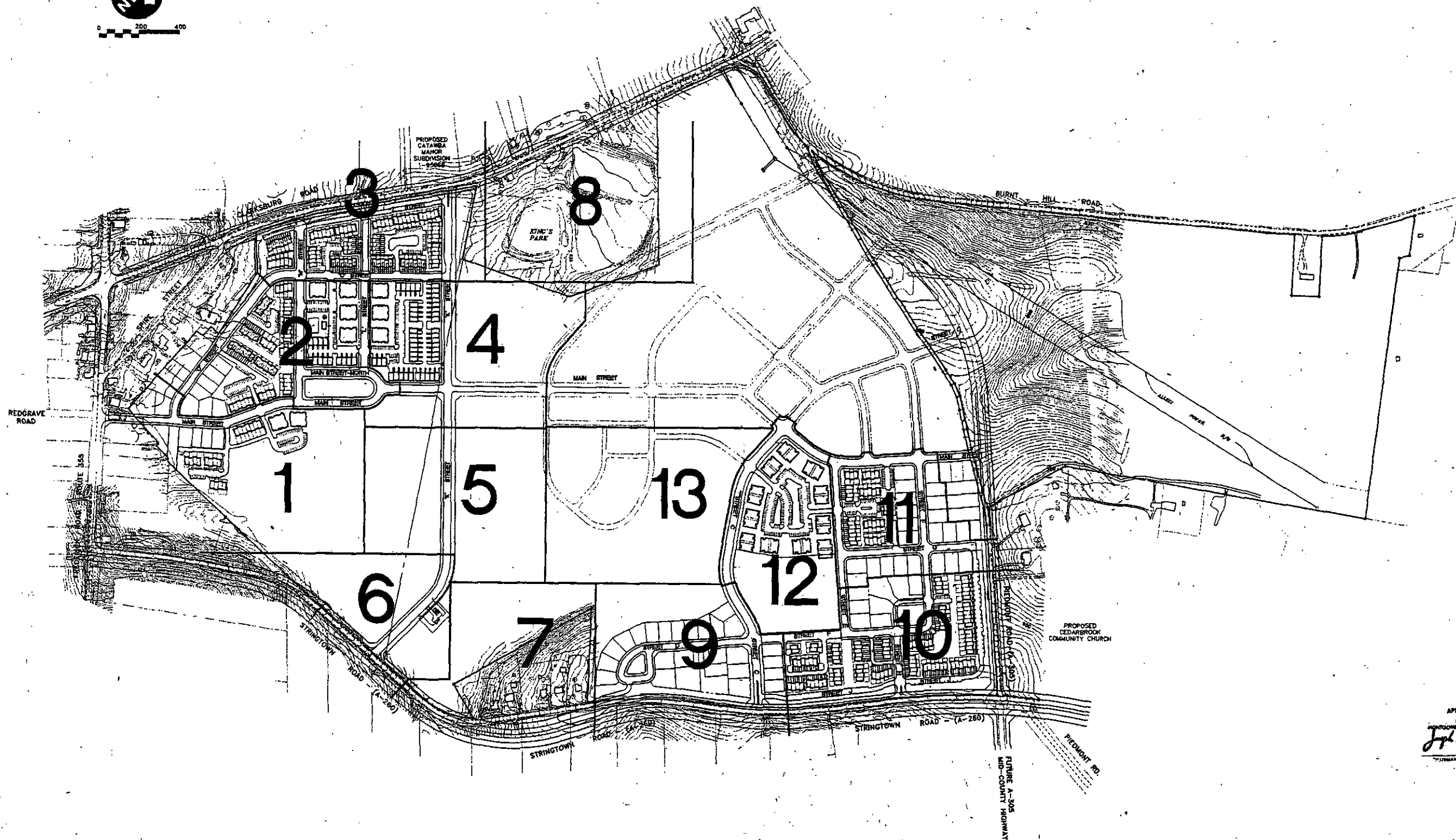
LANDSCAPE ARCHITECT:  
LAND DESIGN, INC.  
1414 PRINCE ST., SUITE 400  
ALEXANDRIA, VA 22314

ENVIRONMENTAL:  
BIOHABITATS  
15 W. AYLESBURY RD.  
TIMONUM, MD 21093

GEOTECH ENVIRONMENTAL:  
SCHABEL ENGINEERING ASSOC.  
10215 FERNWOOD RD., SUITE 250  
BETHESDA, MD 20817

TRAFFIC:  
THE TRAFFIC GROUP  
40 WEST CHESAPEAKE AVE.  
JOWSON, MD 21204

SITE PLAN  
**CLARKSBURG TOWN CENTER**  
CLARKSBURG (2ND ELECTION DISTRICT)  
MONTGOMERY COUNTY, MARYLAND



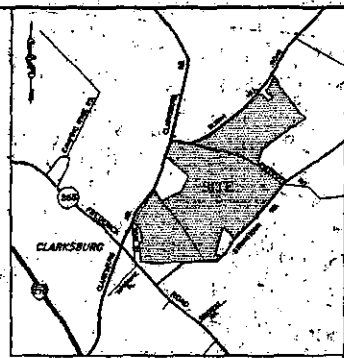
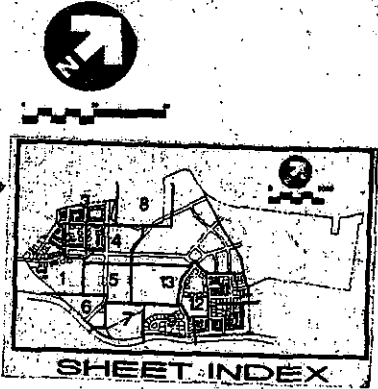
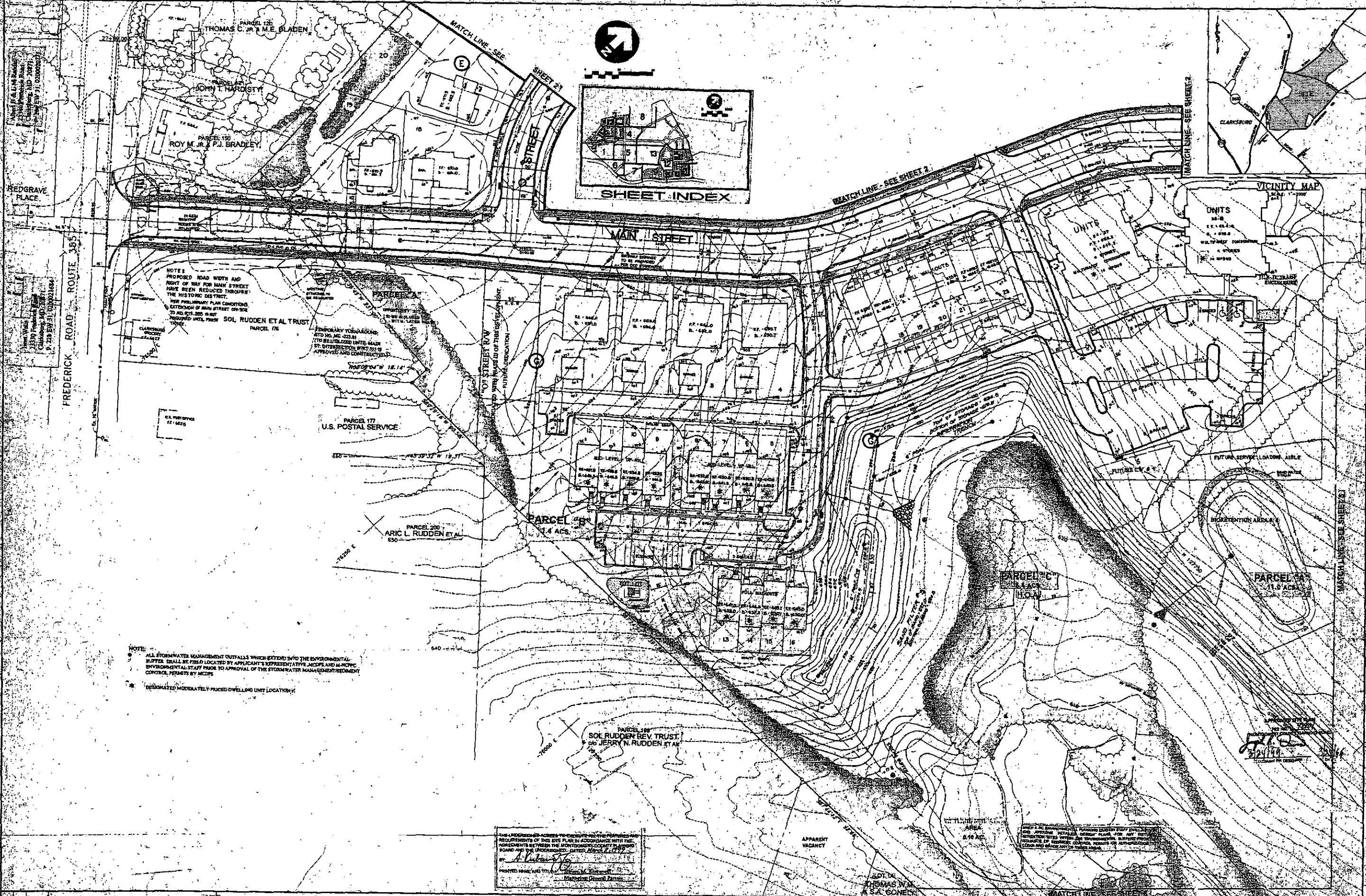
APPROVED SITE PLAN  
FILE NO. 8-1122  
MONTGOMERY COUNTY PLANNING BOARD  
*J. H. S.*  
3/29/99  
DATE

THE UNDERSIGNED AGREES TO EXECUTE ALL THE FEATURES AND  
REQUIREMENTS OF THIS SITE PLAN IN ACCORDANCE WITH THE  
AGREEMENTS BETWEEN THE MONTGOMERY COUNTY PLANNING  
BOARD AND THE UNDERSIGNED, DATED March 6, 1999  
BY Stephen M. Klenow  
PRINTED NAME AND TITLE Stephen M. Klenow  
Managing Capital Partner



OVERALL SITE AND ADJACENT VICINITY  
**CLARKSBURG TOWN CENTER**  
CLARKSBURG (2ND ELECTION DISTRICT)  
MONTGOMERY COUNTY, MARYLAND

OWNER: CLARKSBURG LIMITED PARTNERSHIP  
C/O FIRST BANKER, L.L.C.  
343 HENDERSON DRIVE  
ROCKVILLE, MD 20850  
STEVE KLENOW  
DATE: 3/29/99  
FILE NO. 8-1122



NOTE: PROPOSED ROAD WIDTH AND RIGHT OF WAY FOR MAIN STREET HAVE BEEN REDUCED THROUGH THE HISTORIC DISTRICT. PER PRELIMINARY PLAN CONDITIONS, EXTENSION OF MAIN STREET OFF-SITE TO RD. 150.000 IS NOT REQUIRED UNTIL PHASE SOL RUDDEN ET AL TRUST, PARCEL 176.

PROPOSED TOWNHOMES, STD NO. AC. 0.2241, (TO BE BUILT) UNTIL MAIN ST. EXTENSION PART 3015 IS APPROVED AND CONSTRUCTED.

PARCEL 177  
U.S. POSTAL SERVICE

PARCEL 200  
ARIC L. RUDDEN ET AL

PARCEL 188  
1.4 ACS.

PARCEL 189  
SOL RUDDEN REV. TRUST  
BY JERRY N. RUDDEN ET AL

NOTE: ALL STORMWATER MANAGEMENT OUTFALLS WHICH EXTEND INTO THE ENVIRONMENTAL BUFFER, SHALL BE FIELD LOCATED BY APPLICANT'S REPRESENTATIVE, ACPCE AND M-NOCC, ENVIRONMENTAL STAFF PRIOR TO APPROVAL OF THE STORMWATER MANAGEMENT/SEDIMENT CONTROL PERMITS BY ACPCE.

\* DESIGNATED MODERATELY PRICED DWELLING UNIT LOCATION.

THE UNDERSIGNED AGREE TO OBSERVE AND FOLLOW THE PRELIMINARY REQUIREMENTS OF THIS SITE PLAN IN ACCORDANCE WITH THE AGREEMENTS BETWEEN THE MONTGOMERY COUNTY BOARD OF ZONING AND THE UNDERSIGNED, DATED 10/1/11.

BY: *[Signature]*  
PROJECT NAME AND TITLE: *[Text]*  
MONTGOMERY COUNTY, MARYLAND

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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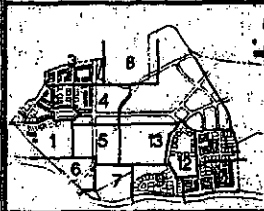


**MONTELLA KENTZLE ENTERPRISES**  
10000 W. 10th St. Suite 100  
Clarksville, MD 21031  
Tel: 410-326-1000  
Fax: 410-326-1001  
www.montella-kentzle.com

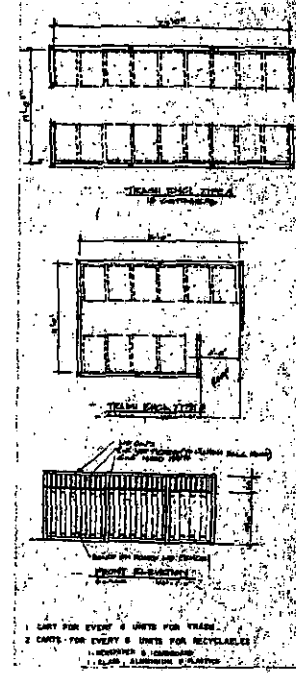
**SITE PLAN**  
**CLARKSBURG TOWN CENTER**  
CLARKSBURG (2ND ELECTION DISTRICT)  
MONTGOMERY COUNTY, MARYLAND

OWNER: CLARKSBURG TOWN CENTER  
200 WEST STREET  
CLARKSBURG, MD 21031  
PREPARED BY: MONTELLA KENTZLE ENTERPRISES  
DATE: 10/1/11  
SCALE: AS SHOWN





SHEET INDEX



APPROVED SITE PLAN  
FILE NO. 1-1111  
MONTGOMERY COUNTY PLANNING BOARD  
J. H. Jones  
3/2/14  
CHAIRMAN FOR DESIGN

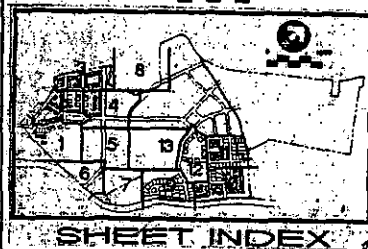
THE UNDERSIGNED AGREES TO EXHIBIT ALL THE PLANS AND REQUIREMENTS OF THIS SITE PLAN IN ACCORDANCE WITH THE AGREEMENTS BETWEEN THE MONTGOMERY COUNTY PLANNING BOARD AND THE UNDERSIGNED AND TO EXHIBIT THE SAME TO THE MONTGOMERY COUNTY PLANNING BOARD AND TO THE MONTGOMERY COUNTY PLANNING BOARD AND TO THE MONTGOMERY COUNTY PLANNING BOARD.



CLARKSBURG TOWN CENTER  
CLARKSBURG (2ND ELECTION DISTRICT)  
MONTGOMERY COUNTY, MARYLAND

CLARKSBURG TOWN CENTER  
CLARKSBURG (2ND ELECTION DISTRICT)  
MONTGOMERY COUNTY, MARYLAND

OWNER: CLARKSBURG TOWN CENTER  
370 WEST BROADWAY  
100 ROCKFORD DRIVE  
ROCKFORD, ILLINOIS 60087  
CLARKSBURG TOWN CENTER  
370 WEST BROADWAY  
100 ROCKFORD DRIVE  
ROCKFORD, ILLINOIS 60087



PARCEL 800 EW 32  
LAWRENCE A FUNT ET AL  
C/O HANNAN ENTERPRISES, INC.

PARCEL 560 EW 32  
HENRY A AND M J WATERMAN

PARCEL 806 EW 32  
CLARKSBURG JOINT VENTURE  
C/O ROBERT P. HILLERSON, PA.

PARCEL 700 EW 32  
CLARKSBURG JOINT VENTURE  
C/O ROBERT P. HILLERSON, PA.

CLARKSBURG ROAD

PARCEL 804 EW 32  
CLARKSBURG JOINT VENTURE  
C/O ROBERT P. HILLERSON, PA.

(A-27)

PARCEL A  
0.5 ACRES

PARCEL A  
0.5 ACRES

PARCEL 607  
M.N.C.P.D.C.

PARCEL 500 EW 32  
CLARKSBURG METHODIST  
CHURCH TRUST

PARCEL A  
0.5 ACRES

PARCEL A  
0.5 ACRES

PARCEL B  
0.5 ACRES

PARCEL C  
0.5 ACRES

MATCH LINE - SEE SHEET 2

MATCH LINE - SEE SHEET 4

APPROVED SITE PLAN  
THE L.C. & T.C.  
MONTGOMERY COUNTY PLANNING BOARD

*John P. Smith* 3/22/04  
PLANNING BOARD MEMBER

THE LANDLORD AGREES TO DEED ALL THE FEATURES AND  
IMPROVEMENTS OF THIS SITE PLAN IN ACCORDANCE WITH THE  
REQUIREMENTS OF THE MONTGOMERY COUNTY PLANNING  
BOARD AND THE ENGINEERED AND THE L.C. & T.C.  
*Mark J. Smith*  
PRINTED NAME AND DATE: 3/22/04  
Montgomery County Planning Board

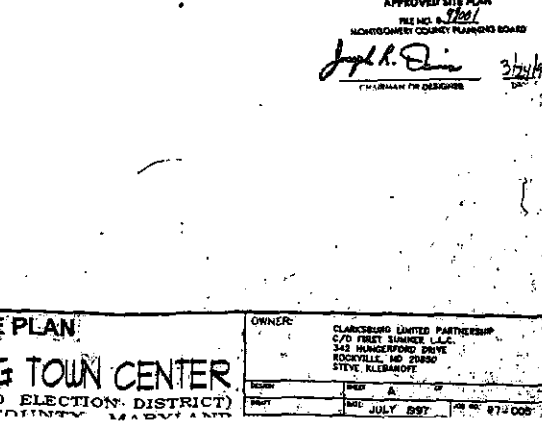
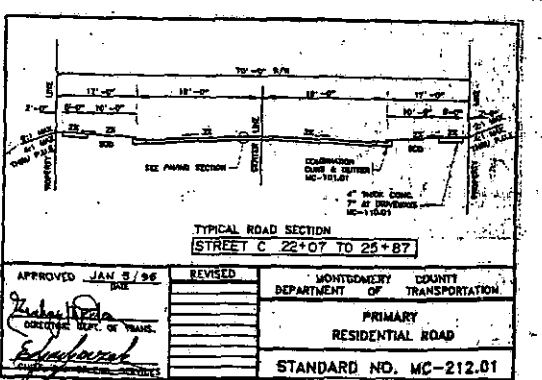
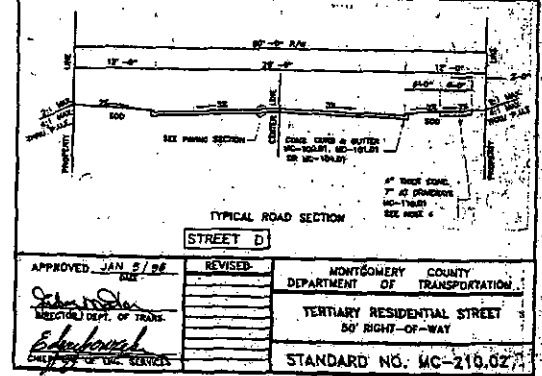
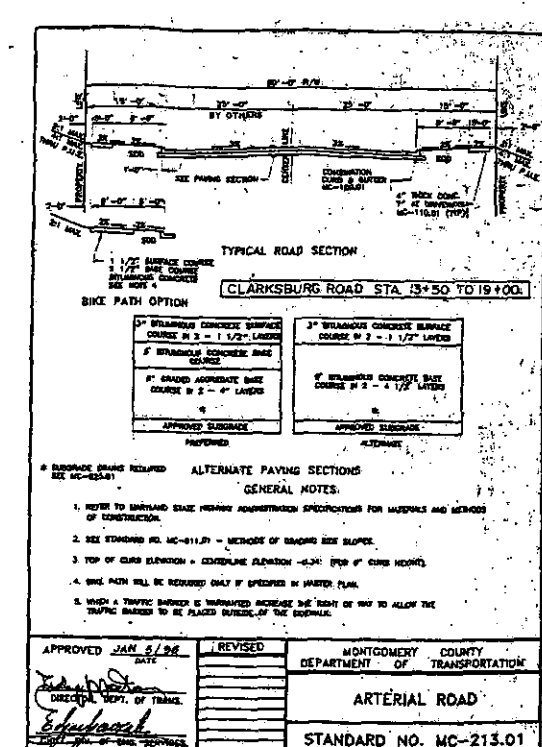
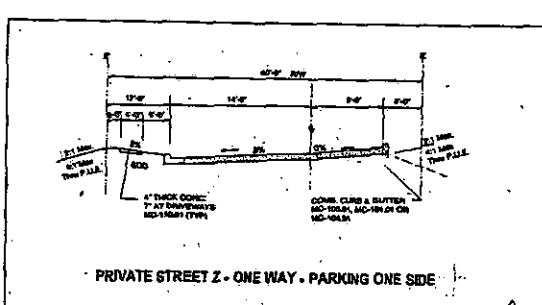
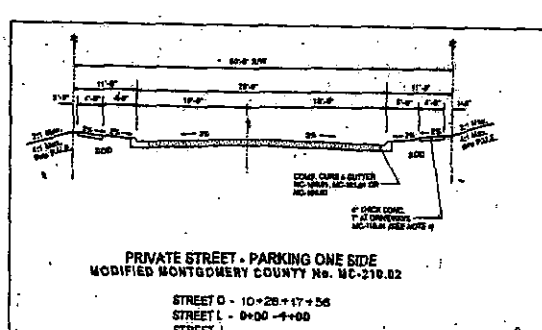
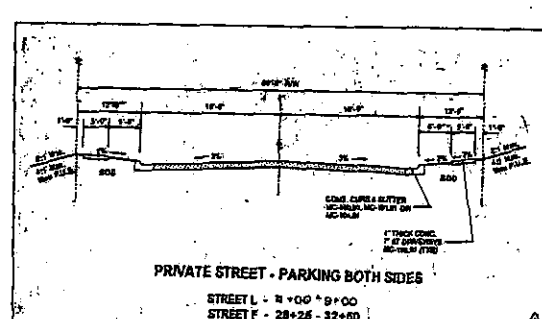
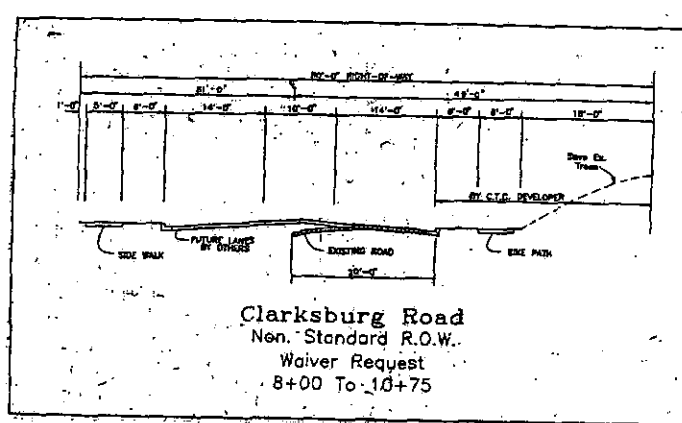
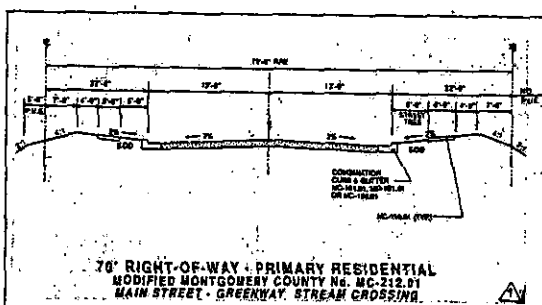
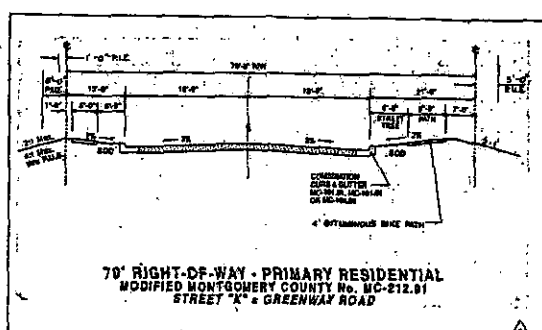
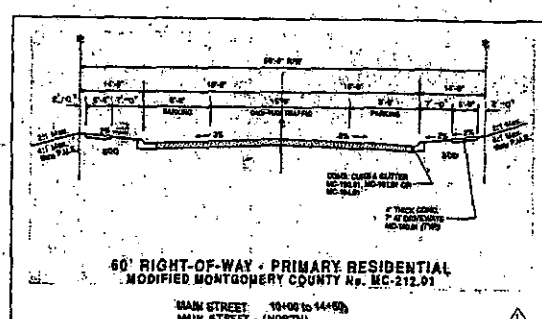
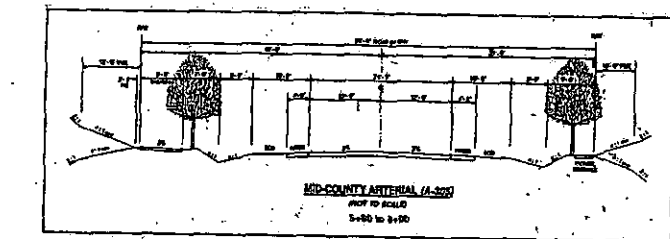
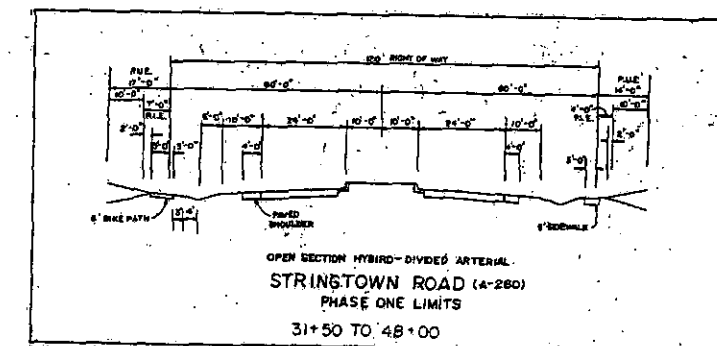
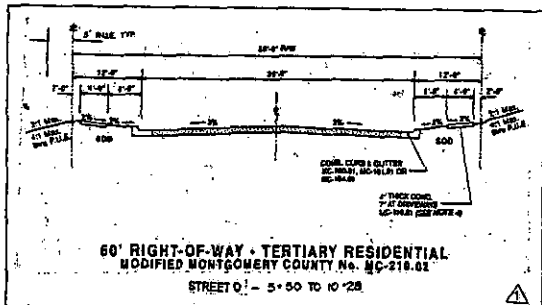
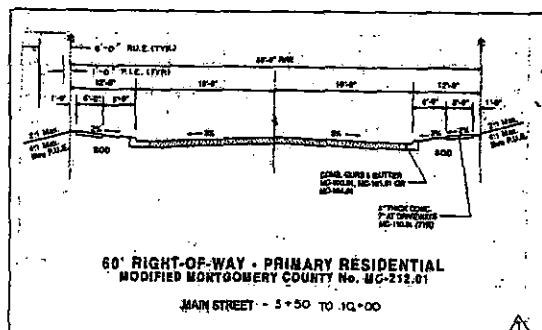
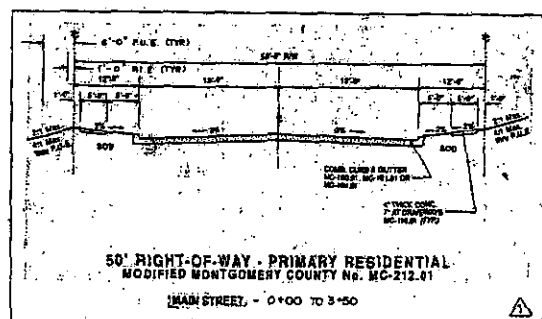
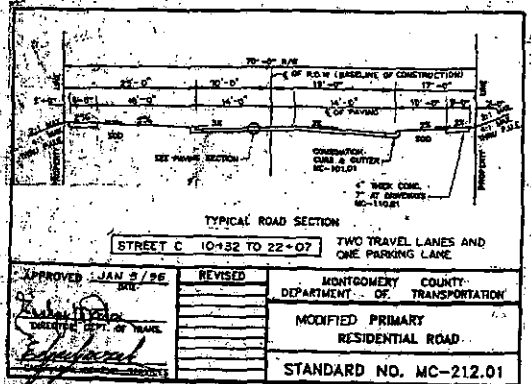
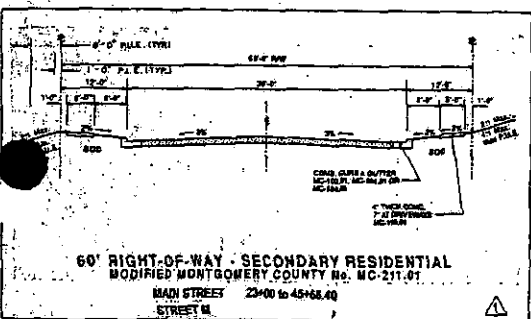
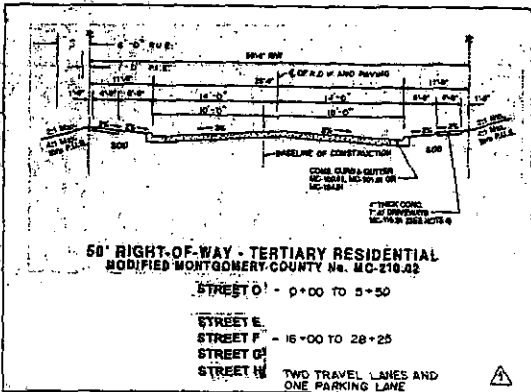
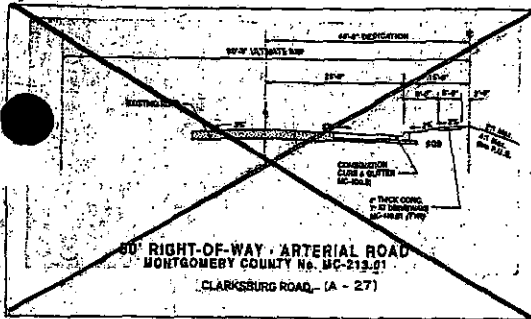


**MONTEGOMERY KONTIGAS ENTERPRISES**  
3000 LEE ROAD, SUITE 100, ROCKVILLE, MD 20850  
TEL: 301.584.0000 FAX: 301.584.0001

**SITE PLAN**  
**CLARKSBURG TOWN CENTER**  
CLARKSBURG (2ND ELECTION DISTRICT)  
MONTGOMERY COUNTY, MARYLAND

OWNER: CLARKSBURG LIMITED PARTNERSHIP  
C/O FIRST SUMMIT LLC  
401 JENNIFER ROAD, SUITE 200  
ROCKVILLE, MD 20850  
STEVE WILKINSON  
DATE: 3/22/04  
SCALE: 1" = 50'





THE UNDERSIGNED AGREE TO EXECUTE ALL THE FEATURES AND REQUIREMENTS OF THIS SITE PLAN IN ACCORDANCE WITH THE AGREEMENTS BETWEEN THE MONTGOMERY COUNTY PLANNING BOARD AND THE UNDERSIGNED, DATED August 2, 1997.  
BY: *Alvin J. [Signature]*  
PRINTED NAME AND TITLE: Alvin J. [Name]  
MONTGOMERY COUNTY PLANNING BOARD



SITE PLAN  
CLARKSBURG TOWN CENTER  
CLARKSBURG (2ND ELECTION DISTRICT)  
MONTGOMERY COUNTY, MARYLAND

OWNER: CLARKSBURG LIMITED PARTNERSHIP  
C/O FIRST FINANCIAL, L.L.C.  
345 WASHINGTON DRIVE  
ROCKVILLE, MD 20850  
STEVE ALLENBART  
JULY 1997

# General Notes:

1. Gross Site Area: 270.16 Acres
2. Gross Area of Phase I: 120.17 Acres
3. Existing Zoning: RMX-2
4. Area within the 100-year floodplain (FAC-2) including wetland areas: 11.8 Acres
5. The site will be served by existing public water and sewer mains located within the vicinity of the property. These mains are publicly owned by the Washington Suburban Sanitary Commission (WSSC).
6. The boundary within the site is located in the Little River Creek watershed.
7. The entire portion of Phase I is located in the Little River Creek watershed.
8. The adjacent property is shown on Page 196, Grids W1/E3, W1/E4, W2/E3, W2/E4 and W3/E4.
9. Refer to the Natural Resources Inventory Map and Forest Stand Delineation, (4-4-162) approved (04-28-09) for additional information.
10. The boundary and topographic information was prepared by Lohrman Associates, Inc. from survey information by KMW Corporation dated April 1999, Fowler Associates, Inc. dated April 1999 and topographic data from Air Survey Corporation.
11. The location of Moderately Flooded Dwelling Units (MFDU's) will be limited to land areas designated as multi-family unit types. There are 95 units, (12.5% of the total unit count for Phase I) designated as MFDU's.
12. This application proposes both public and private streets as established by Preliminary Plan 1-93042. Following the outcome of the "Private Road SR," this application may seek to propose all private roads built to the same MCDOT Standards as illustrated on Sheet A of this Site Plan.
13. Improvements including drainage road improvements:
  - Phase 1A (not including Commercial Parcel): 17.23 Acres
  - Phase 1B: 26.78 Acres
14. See forest conservation plan for limits of disturbance.

## Residential Land Use Summary for Phase I:

### PROPOSED LAND USE (DWELLING UNITS)

Block	Single Family Det.	Single Family Att.	Multi-Family
A	-	43	-
B	-	-	135
C	-	-	85
D	-	26	-
E	7	12	-
F	4	19	-
G	-	-	28
H	-	-	-
I	23	-	-
J	4	47	-
K	3	52	-
L	-	-	-
M	6	37	-
N	14	-	-
O	-	-	150
P	-	-	-
TOTALS	75,000	230,000	300,000

## Minimum Building Setbacks per Section 59-C-10.3.8.

Setbacks shown reflect a 10% reduction as previously approved by Planning Board during Project Plan and Preliminary Plan for this Development.

1. From existing public street
2. From existing public street
3. From any street

## Minimum Lot, Yard and Height Requirements for Residential Lots - modification per Section 59-C-10.3.8. of the Zoning Ordinance:

	Single Family Detached	Townhouses	Courtyard Townhouses	Multi-Family
Net Lot Area in Square Feet	4,000	1,120	950	N/A
Front Yard Min.	10'	10'	10'	10'
Lot Width Min. at Street Line	25'	16'	20'	N/A
Lot Width Min. at Building Line	40'	16'	20'	N/A
Rear Yard Min.	25'	20'	6'	10'
Side Yard Min. One Sides	5'	0'	0'	10'
Side Yard Min. Two Sides	5'	0'	0'	20'
Min. Space Between Buildings	N/A	* 20'4"	* 20'4"	30'
Maximum Height	35'	35'	35'	45'

## Residential On-Site Accessory Buildings/Lot Standards:

1. Coverage (maximum percentage of yard): 50%
2. Setback (minimum in feet - inside lot):
  - From front street line: 60'
  - From side lot line: 0'
  - From rear lot line: 0'
  - From alley line: 0'
3. Height (maximum in feet above ground): 27'

## PARKING ANALYSIS for PHASE 1A

BLOCK	On Street (Side Adj. to Bldg. Footprint)	Off Street Parking Facility	On Lot (Gar./Driveway @ 2 spaces/Lot)	Total Provided	Number of Condominium Units	Number of TH and SFD Units	Parking Spaces Required
A	34	37	32	103	-	43	86
B	46	56	176	278	125 (200)	-	270
C	36	66	32	134	85 (200)	-	170
D	17	27	20	64	-	26	52
E	26	72	26	124	-	19	38
F	41	72	30	143	-	56	112
G	8	91	8	99	28 (200)	23	46
H	50	-	-	50	-	-	-
I	23	-	23	46	-	-	-
J	40	-	-	40	-	-	-
Town Green	17	-	17	34	-	-	-
TOTAL	329	345	364	1038	248	177	836

## PARKING ANALYSIS for PHASE 1B

BLOCK	On Street (Side Adj. to Bldg. Footprint)	Off Street Parking Facility	On Lot (Gar./Driveway @ 2 spaces/Lot)	Total Provided	Number of Condominium Units	Number of TH and SFD Units	Parking Spaces Required
J	30	-	46	76	-	23	46
K	40	12	78	130	-	51	102
L	62	8	60	130	-	55	110
M	11	-	14	25	-	7	14
N	9	66	34	109	-	43	86
O	7	7	28	42	-	14	28
P	69	162	-	231	150 (200)	-	225
TOTAL	246	255	364	865	150	183	611

## Land to be Dedicated

Gross Site Acquire	120.17 Acres
Total Area to be Dedicated in Phase 1A and 1B	39.5 Acres
Greenway Park (MDCPPC)	19.0 Acres
R.O.W. for Major Roads (Frontage Improvement)	2.2 Acres
R.O.W. for Public Streets	18.3 Acres
Offsite adjacent land required for Main Street/Rte. 355 Intersection	0.2 Acres
Area of Private Streets	3.5 Acres

## Minimum Green Area Analysis

Gross Area of the Site within the RMX-2 Zone	120.17 Acres
Area in Residential	109.17 Acres
Area in Commercial	11.0 Acres
Residential Green Area or Outside Amenity Area per RMX-2 Zoning	109.17 Acres
Minimum Green Area Required	50%
Required Green Area	54.49 Acres
Residential Green Area or Outside Amenity Area Proposed:	109.17 Acres
Residential Area within the RMX-2 Zone:	
Less Roadway Pavement, Residential Driveways, Building Footprints and Parking Lots	38.5 Acres
Proposed Green Area	70.65 Acres

## RECREATION CALCULATIONS

Project Name: Clarksburg Town Center - Phase 1a & 1b

Date: 12/08/07

Demand Points	Units	Total	Children	Teens	Adults	Seniors	TOTAL
SFD	0	0.0	0.0	0.0	0.0	0.0	0.0
SFD II	75	9.6	18.0	18.9	79.5	8.4	134.4
SFD III	0	0.0	0.0	0.0	0.0	0.0	0.0
TH	285	49.6	63.7	63.1	380.0	26.6	533.0
Garden	396	43.0	55.7	47.8	471.2	63.7	1080.4
H-Rise	0	0.0	0.0	0.0	0.0	0.0	0.0
Demand Points Total	768.0	102.2	137.4	129.7	930.7	98.6	1398.7
Supply Points Total		102.6	165.4	149.2	1224.4	135.9	1777.5

Percentage: 100.0% 120.3% 124.6% 131.6% 137.8%

- Definitions:
- SFD I - Single-family detached, lots over 20,000 sq. ft.
  - SFD II - Single-family detached, lots 7,000 - 19,999 sq. ft.
  - SFD III - Single-family detached, lots under 7,000 sq. ft.
  - TH - Townhouses and single-family attached.
  - Garden - Multiple-family, 4 stories or less.
  - H-Rise - Multiple-family, 5 stories or more.

On-Site Supply Points	Number	Total	Children	Teens	Adults	Seniors	TOTAL
Tot Lot (0-5)	1	9.0	2.0	0.0	4.0	1.0	7.0
Play Lot (5-14)	2	18.0	22.0	0.0	14.0	2.0	48.0
Multi-Age	0	0.0	0.0	0.0	0.0	0.0	0.0
Picnic/Sitting	12	12.0	12.0	18.0	60.0	24.0	126.0
Open Play Area I	0	0.0	0.0	0.0	0.0	0.0	0.0
Open Play Area II	1	3.0	4.0	4.0	10.0	1.0	23.0
Volleyball	0	0.0	0.0	0.0	0.0	0.0	0.0
Multi-purpose (MP) Court	0	0.0	0.0	0.0	0.0	0.0	0.0
Hall MP Court I	0	0.0	0.0	0.0	0.0	0.0	0.0
Hall MP Court II	0	0.0	0.0	0.0	0.0	0.0	0.0
Tennis	0	0.0	0.0	0.0	0.0	0.0	0.0
Handball	0	0.0	0.0	0.0	0.0	0.0	0.0
Indoor Racquetball	0	0.0	0.0	0.0	0.0	0.0	0.0
Horse Shows	0	0.0	0.0	0.0	0.0	0.0	0.0
Soccer-Regulation	0	0.0	0.0	0.0	0.0	0.0	0.0
Soccer-Junior	0	0.0	0.0	0.0	0.0	0.0	0.0
Softball-Regulation	0	0.0	0.0	0.0	0.0	0.0	0.0
Softball-Junior	0	0.0	0.0	0.0	0.0	0.0	0.0
Baseball-Regulation	0	0.0	0.0	0.0	0.0	0.0	0.0
Baseball-Junior	0	0.0	0.0	0.0	0.0	0.0	0.0
Football-Regulation	0	0.0	0.0	0.0	0.0	0.0	0.0
Football-Junior	0	0.0	0.0	0.0	0.0	0.0	0.0
Bike System	1	5.1	13.7	18.0	139.6	9.9	176.3
Pedestrian System	1	10.2	27.5	24.0	418.8	44.4	524.9
Nature Trails	1	5.1	13.7	18.0	139.6	14.8	191.2
Nature Area	1	0.0	6.8	12.0	92.1	4.9	115.8
Swimming Pool	1	5.1	27.5	24.0	232.7	14.8	304.1
Wading Pool	1	15.3	6.9	0.0	46.5	4.8	73.5
Indoor Swimming Pool	0	0.0	0.0	0.0	0.0	0.0	0.0
Indoor Comm. Space	0	0.0	0.0	0.0	0.0	0.0	0.0
Indoor Exercise Room	0	0.0	0.0	0.0	0.0	0.0	0.0
Indoor Fitness Facility	0	0.0	0.0	0.0	0.0	0.0	0.0
Community Garden	0	0.0	0.0	0.0	0.0	0.0	0.0
Vita Course	0	0.0	0.0	0.0	0.0	0.0	0.0
On-Site Supply Points Total		82.9	136.2	123.8	1156.3	121.7	1622.9

Existing Off-Site Supply Points	Number	Total	Children	Teens	Adults	Seniors	TOTAL
KINGS PARK	1	9.0	2.0	0.0	4.0	1.0	7.0
Play Lot (5-14)	0	0.0	0.0	0.0	0.0	0.0	0.0
Multi-Age	0	0.0	0.0	0.0	0.0	0.0	0.0
Picnic/Sitting	1	1.0	1.0	1.5	5.0	2.0	10.5
Open Play Area I	1	6.0	8.0	12.0	30.0	2.0	58.0
Open Play Area II	0	0.0	0.0	0.0	0.0	0.0	0.0
Volleyball	0	0.0	0.0	0.0	0.0	0.0	0.0
Multi-purpose (MP) Court	0	0.0	0.0	0.0	0.0	0.0	0.0
Hall MP Court I	0	0.0	0.0	0.0	0.0	0.0	0.0
Hall MP Court II	0	0.0	0.0	0.0	0.0	0.0	0.0
Tennis	0	0.0	0.0	0.0	0.0	0.0	0.0
Handball	0	0.0	0.0	0.0	0.0	0.0	0.0
Indoor Racquetball	0	0.0	0.0	0.0	0.0	0.0	0.0
Horse Shows	0	0.0	0.0	0.0	0.0	0.0	0.0
Soccer-Regulation	0	0.0	0.0	0.0	0.0	0.0	0.0
Soccer-Junior	1	2.0	16.0	15.0	30.0	2.0	65.0
Softball-Regulation	0	0.0	0.0	0.0	0.0	0.0	0.0
Softball-Junior	0	0.0	0.0	0.0	0.0	0.0	0.0
Baseball-Regulation	0	0.0	0.0	0.0	0.0	0.0	0.0
Baseball-Junior	1	2.0	15.0	15.0	30.0	2.0	64.0
Football-Regulation	0	0.0	0.0	0.0	0.0	0.0	0.0
Football-Junior	0	0.0	0.0	0.0	0.0	0.0	0.0
Bike System	0	0.0	0.0	0.0	0.0	0.0	0.0
Pedestrian System	0	0.0	0.0	0.0	0.0	0.0	0.0
Nature Trails	0	0.0	0.0	0.0	0.0	0.0	0.0
Nature Area	0	0.0	0.0	0.0	0.0	0.0	0.0
Swimming Pool	0	0.0	0.0	0.0	0.0	0.0	0.0
Wading Pool	0	0.0	0.0	0.0	0.0	0.0	0.0
Indoor Swimming Pool	0	0.0	0.0	0.0	0.0	0.0	0.0
Indoor Comm. Space	0	0.0	0.0	0.0	0.0	0.0	0.0
Indoor Exercise Room	0	0.0	0.0	0.0	0.0	0.0	0.0
Indoor Fitness Facility	0	0.0	0.0	0.0	0.0	0.0	0.0
Community Garden	0	0.0	0.0	0.0	0.0	0.0	0.0
Vita Course	0	0.0	0.0	0.0	0.0	0.0	0.0
Existing Off-Site Supply Points Total		20.0	42.0	43.5	98.0	8.0	191.5

KINGS PARK	7.0	14.7	15.2	34.7	3.2	74.7
Supply Points Credit (38 % of off-site total)						

Proposed Off-Site Supply Points	Number	Total	Children	Teens	Adults	Seniors	TOTAL
KINGS PARK	0	0.0	0.0	0.0	0.0	0.0	0.0
Play Lot (0-5)	1	9.0	11.0	3.0	7.0	1.0	30.0
Multi-Age	6	6.0	6.0	9.0	30.0	12.0	63.0
Picnic/Sitting							
Total		15.0	17.0	12.0	37.0	13.0	114.0
Proposed Off-Site Supply Points Credit (85 % of proposed total)		12.8	14.5	10.2	31.5	11.1	79.9

APPROVED SITE PLAN  
FILE NO. 07-001  
MONTGOMERY COUNTY PLANNING BOARD  
J. L. Quinn  
CHAIRMAN (BY DESIGN)

THE UNDERSIGNED AGREES TO EXECUTE ALL THE FEATURES AND REQUIREMENTS OF THIS SITE PLAN IN ACCORDANCE WITH THE AGREEMENTS BETWEEN THE MONTGOMERY COUNTY PLANNING BOARD AND THE UNDERSIGNED, DATED 11/1/07.

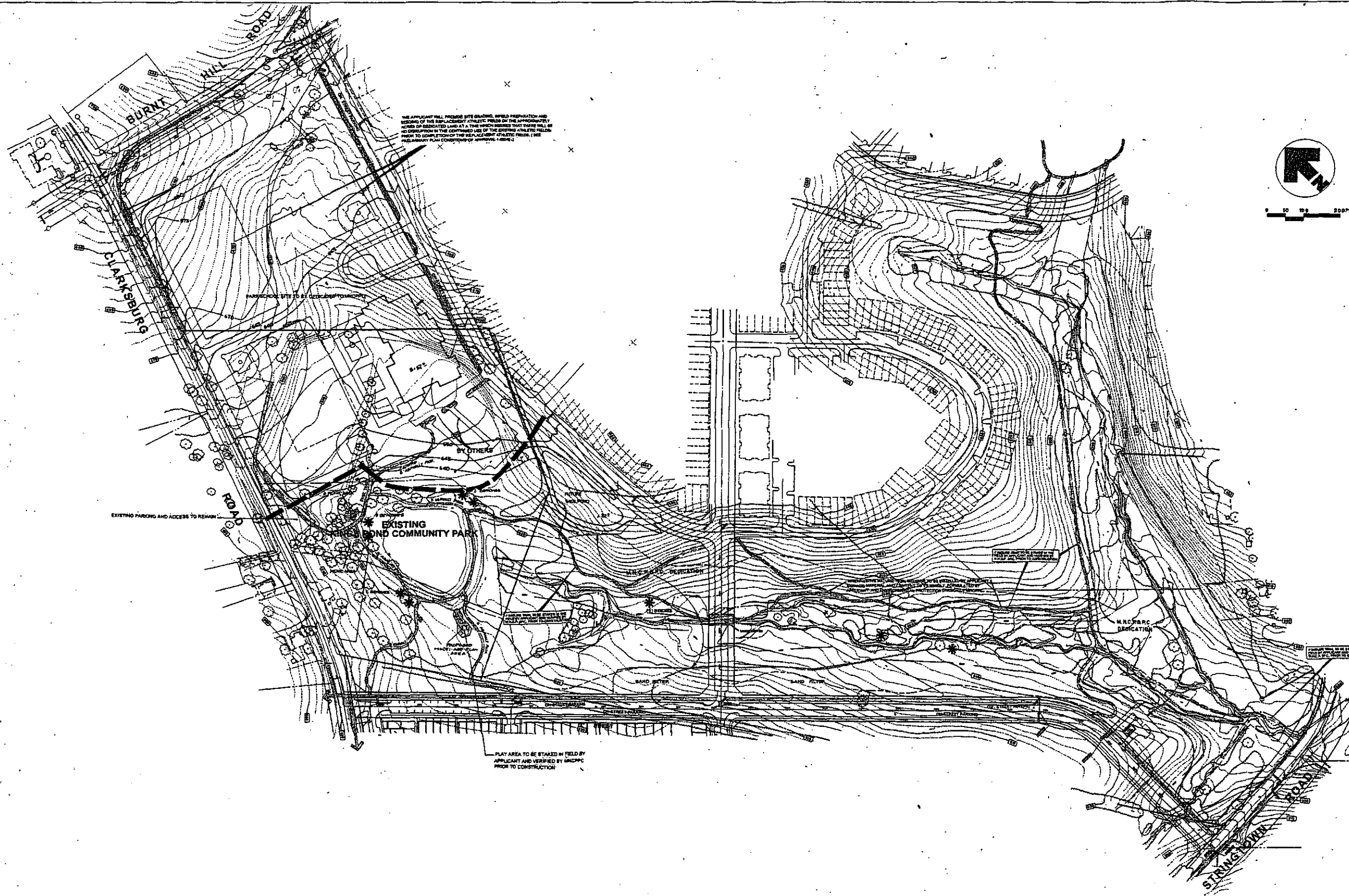
PRINTED NAME AND TITLE: Steven M. Edsall  
Managing General Partner

MONTGOMERY/KONGLAS ENTERPRISES  
2700 LADEN LANE • SUITE 200 • SILVER SPRING, MD 20910 • 301/588-1000

CLARKSBURG TOWN CENTER  
CLARKSBURG (2ND ELECTION DISTRICT)  
MONTGOMERY COUNTY, MARYLAND

OWNER: CLARKSBURG TOWN CENTER PARTNERSHIP  
200 FIRST STREET, SUITE 200  
CLARKSBURG, MD 20840  
STEVE ALBANY

DATE: 12/11/07  
SCALE: 1"=40'



THE APPLICANT WILL PROVIDE SITE DRAINAGE, SPRING PREPARATION AND  
SEEDING OF THE REPLACEMENT ATHLETIC FIELD ON THE APPROPRIATELY  
ACRES OF DEDICATED LAND AT A TIME WHICH INSURES THAT THERE WILL BE  
NO DISRUPTION IN THE CONTINUED USE OF THE EXISTING ATHLETIC FIELD  
UNTIL COMPLETION OF THE REPLACEMENT ATHLETIC FIELD. (SEE  
PRELIMINARY PLAN CONDITIONS OF APPROVAL 1-28241)



NOTE: TRAIL TO PASS UNDER STRINGTOWN ROAD WITHIN CULVERT.  
TRAIL TO BE OPENED. ADDITIONAL CULVERT EXCESSING WILL  
BE PROVIDED BY OTHERS AT TIME OF FUTURE WIDENING OF  
STRINGTOWN ROAD.

APPROVED SITE PLAN  
RES. NO. 6-3221  
MONTGOMERY COUNTY PLANNING BOARD  
*John R. [Signature]*  
CHAIRMAN OF BOARD  
DATE: 3/20/97

LEGEND  
DESIGNER

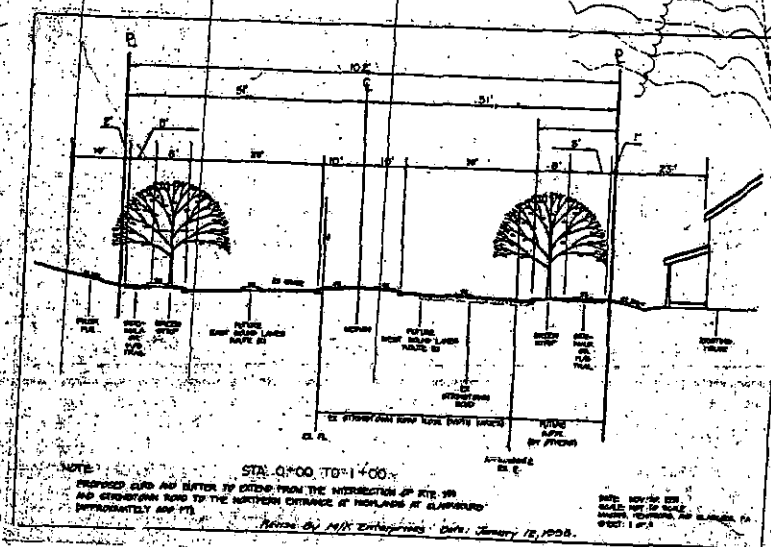
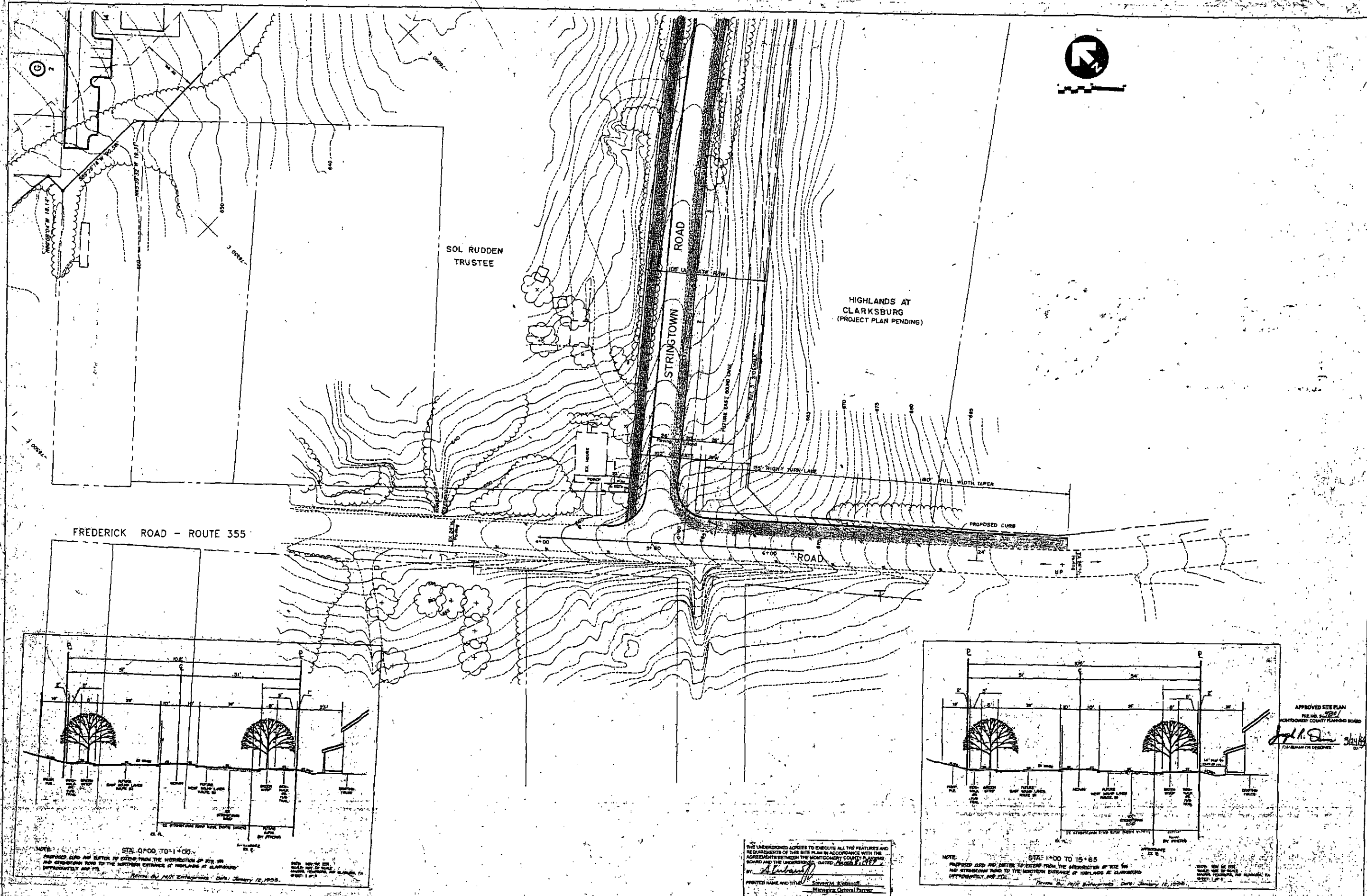
THE UNDERSIGNED AGREES TO EXHIBIT ALL THE FEATURES AND  
REQUIREMENTS OF THIS SITE PLAN IN ACCORDANCE WITH THE  
AGREEMENTS BETWEEN THE MONTGOMERY COUNTY PLANNING  
BOARD AND THE UNDERSIGNED, DATED March 4, 1997.  
BY: *[Signature]*  
PRINTED NAME AND TITLE: Steven M. Klebanoff  
Montgomery General Partner

**GREENWAY PARK/SCHOOL**  
**CLARKSBURG TOWN CENTER**  
SECOND ELECTION DISTRICT  
MONTGOMERY COUNTY, MARYLAND  
SEPTEMBER, 1997  
SCALE: 1" = 100'

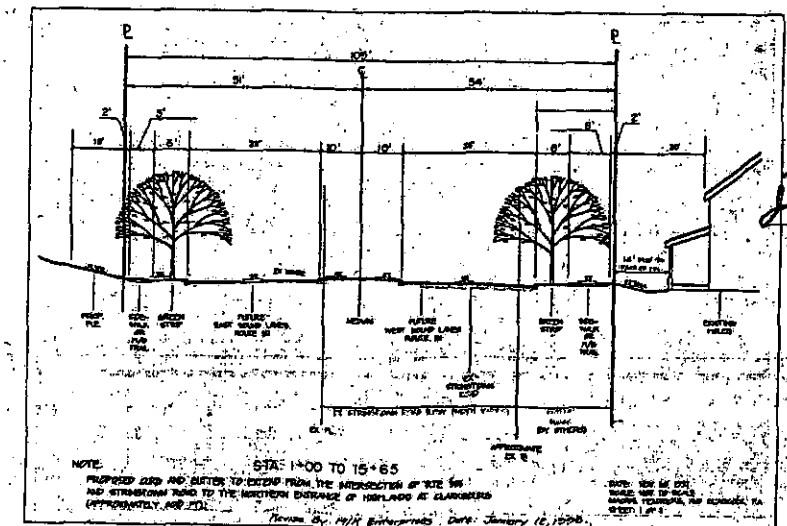
**MONTGOMERY/KONTGAS**  
ENTERPRISES, INC.

CLARKSBURG UNITED PARTNERSHIP  
C/O FIRST BANKER L.L.C.  
1400 HANCOCK STREET, SUITE 200  
ROCKVILLE, MD 20850  
STEVE KLEBANOFF  
DATE: 3/20/97





THE UNDERSIGNED AGREES TO EXECUTE ALL THE FEATURES AND REQUIREMENTS OF THIS SITE PLAN IN ACCORDANCE WITH THE AGREEMENTS BETWEEN THE MONTGOMERY COUNTY PLANNING BOARD AND THE UNDERSIGNED, DATED 10/26/86.  
BY: *[Signature]*  
PRINTED NAME AND TITLE: SILVERMAN, KIRSHEN  
Montgomery General Partner



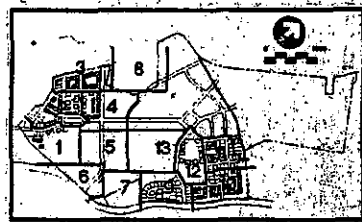
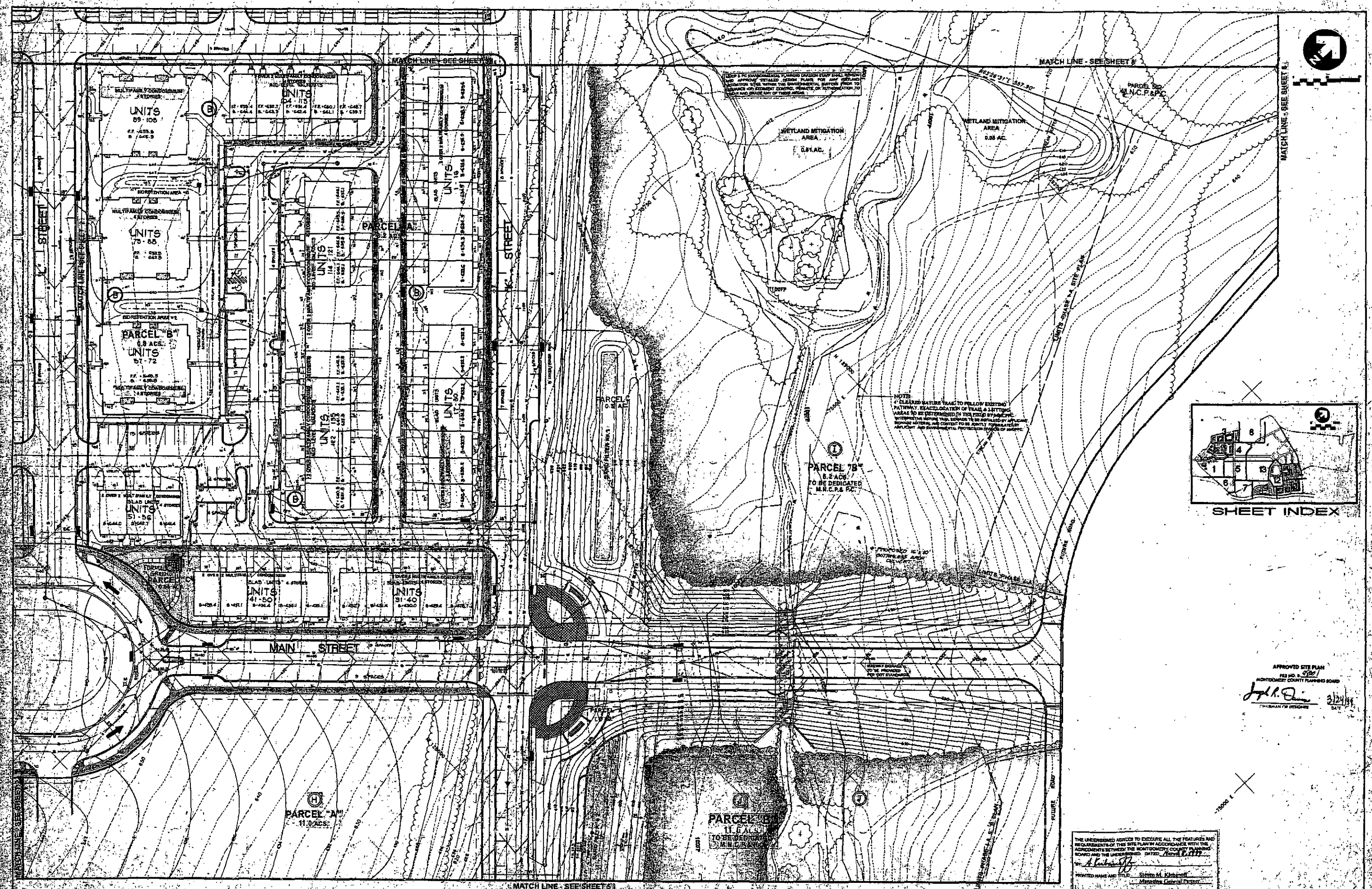
APPROVED SITE PLAN  
FILE NO. 3-1221  
MONTGOMERY COUNTY PLANNING BOARD  
*[Signature]*  
CHAIRMAN OF BOARD

NO.	DATE	REVISION	BY	CHKD.	APP'D.
1	12/20/86	REVISED FOR FINAL OPINION			

**M/K**  
MONTGOMERY/KONTGIAS ENTERPRISES  
2700 LEECH LAKE • SUITE 200 • CLARKSBURG, MD 20615 • 301/281-0288

**SITE PLAN**  
**CLARKSBURG TOWN CENTER**  
CLARKSBURG (2ND ELECTION DISTRICT)  
MONTGOMERY COUNTY, MARYLAND

OWNER: CLARKSBURG LIMITED PARTNERSHIP  
C/O FIRST SUBURB LLC  
342 WINDSORFORD DRIVE  
ROCKVILLE, MD 20850  
CITY: CLARKSBURG  
DATE: SEPT. 1987  
JOB NO. 65P-005



SHEET INDEX

APPROVED SITE PLAN  
NO. 1-2001  
MONTGOMERY COUNTY PLANNING BOARD  
*[Signature]*  
THOMAS W. DESIGNS  
DATE: 3/24/01

THE UNDERSIGNED AGREE TO EXERCISE ALL THE FEATURES AND REQUIREMENTS OF THIS SITE PLAN IN ACCORDANCE WITH THE AGREEMENTS BETWEEN THE MONTGOMERY COUNTY PLANNING BOARD AND THE UNDERSIGNED. DATED: 3/24/01  
*[Signature]*  
PRINTED NAME AND TITLE: Steven M. Kishner  
Manager, General Partner



**CLARKSBURG TOWN CENTER**  
CLARKSBURG (2ND ELECTION DISTRICT)  
MONTGOMERY COUNTY, MARYLAND

**SITE PLAN**  
**CLARKSBURG TOWN CENTER**  
CLARKSBURG (2ND ELECTION DISTRICT)  
MONTGOMERY COUNTY, MARYLAND

OWNER: CLARKSBURG LIMITED PARTNERSHIP  
C/O FIRST SOURCE LLC  
200 W. WASHINGTON STREET  
ROCKVILLE, MD 20850  
DATE: 3/24/01  
SCALE: 1" = 40'

MATCH LINE - SEE SHEET 4

MATCH LINE - SEE SHEET 3

FUTURE BUILDING

PARCEL "A"  
11.0 ACS.

COMMERCIAL AREA TO BE ROUGH GRADED

FUTURE PARKING AREA

STREET

FUTURE ENTRANCE

PARCEL "B"  
11.5 ACS.  
TO BE DEDICATED  
MUNICIPAL P.C.

NOTE:  
1. CLEARING/NATURAL TRAIL TO FOLLOW EXISTING  
PAVING. EXACT LOCATION OF TRAIL AS SETTING  
AREAS TO BE DETERMINED BY THE FIELD BY MAPPING  
ENGINEERING. SETTING SHALL BE DETERMINED BY MAPPING  
ENGINEERING MATERIAL AND CONTENT TO BE JOINTLY FORMULATED BY  
APPLICANT AND ENVIRONMENTAL PROTECTION DIVISION OF MDCP.

APPROVED SITE PLAN  
FILE NO. 1-1220  
MONTGOMERY COUNTY PLANNING BOARD  
*[Signature]*  
CHAIRMAN OF BOARD  
DATE: 3/14/99

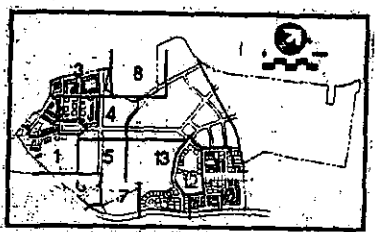
MATCH LINE - SEE SHEET 6

NOTE:  
ALL STORMWATER MANAGEMENT OUTFALLS WHICH EXTEND INTO THE ENVIRONMENTAL  
BUFFER SHALL BE FIELD LOCATED BY APPLICANT'S REPRESENTATIVE, MDCP, AND MAPPING  
ENGINEERING STAFF PRIOR TO APPROVAL OF THE STORMWATER MANAGEMENT  
CONTROL PERMITS BY MDCP.

THE UNDERSIGNED AGREE TO GUARANTEE ALL THE FEATURES AND  
REQUIREMENTS OF THIS SITE PLAN IN ACCORDANCE WITH THE  
AGREEMENTS BETWEEN THE MONTGOMERY COUNTY PLANNING  
BOARD AND THE UNDERSIGNED, DATED:  
BY: *[Signature]*  
PRINTED NAME AND TITLE: *[Name]*  
MONTGOMERY COUNTY PLANNING BOARD

MATCH LINE - SEE SHEET 5

MATCH LINE - SEE SHEET 7



SHEET INDEX

DATE	REVISION	BY	CHKD BY	DATE
11/11/98	1	W. M. K.	W. M. K.	11/11/98
11/11/98	2	W. M. K.	W. M. K.	11/11/98
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11/11/98	100	W. M. K.	W. M. K.	11/11/98

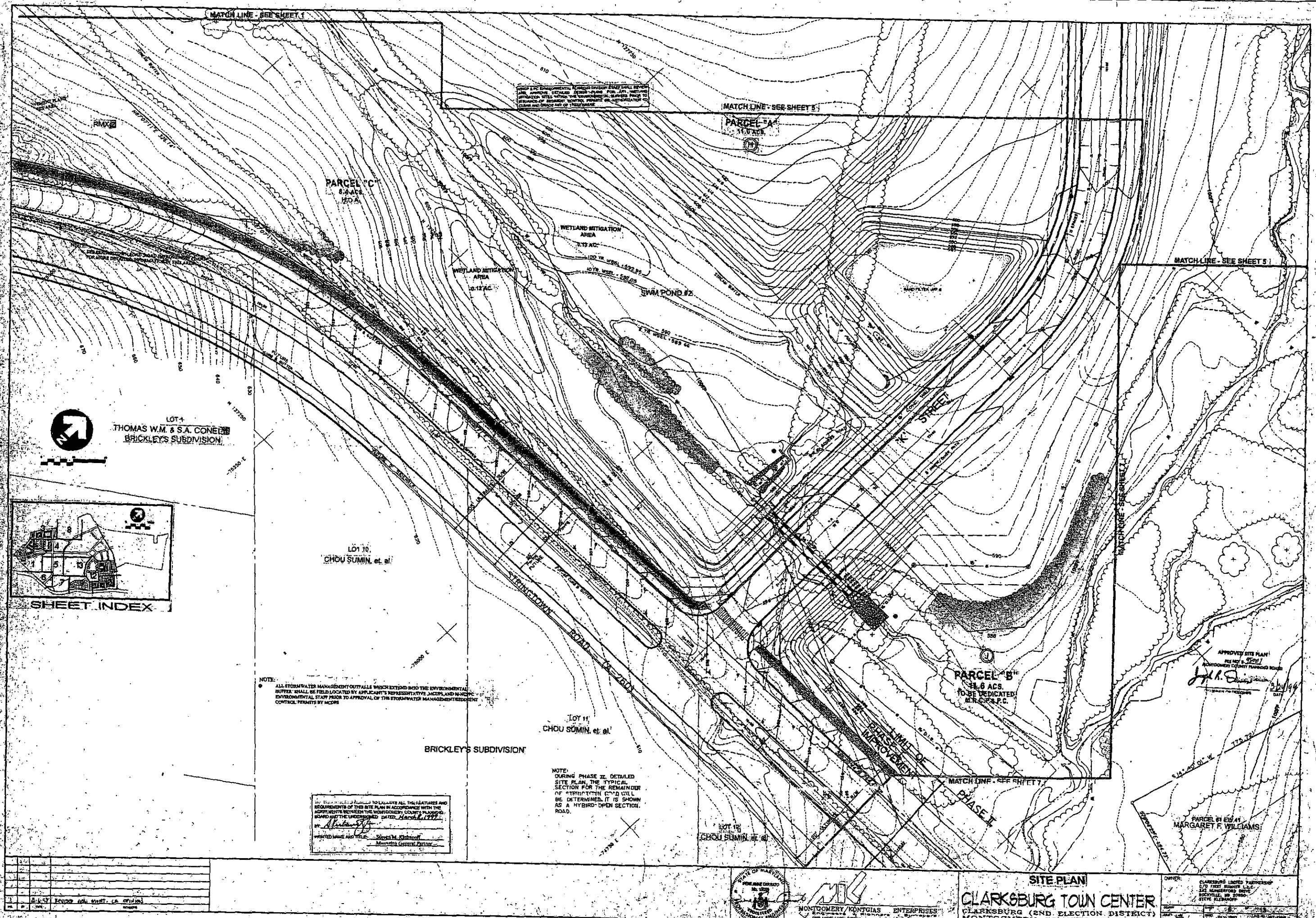


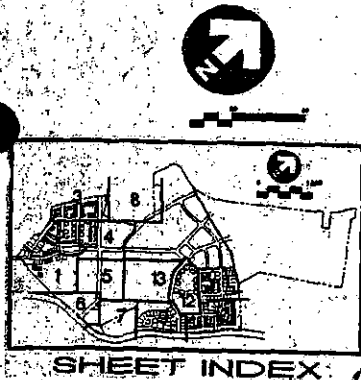
MONTGOMERY/KONTIGAS ENTERPRISES  
200 LINCOLN LANE - SUITE 200 - SILVER SPRING, MD 20910-4200/4201-2000

SITE PLAN  
CLARKSBURG TOWN CENTER  
CLARKSBURG (2ND ELECTION DISTRICT)  
MONTGOMERY COUNTY, MARYLAND

OWNER:	CLARKSBURG LIMITED PARTNERSHIP C/O FIRST SHARED LLC 300 BANGOR RD. SW ROCKVILLE, MD 20850 STYL: ALBANY
DATE:	11/11/98
BY:	W. M. K.
CHKD BY:	W. M. K.
DATE:	11/11/98







SHEET INDEX:



NOTE:  
DURING PHASE II,  
DETAILED SITE PLAN  
FOR THE REMAINDER OF  
STRINGTOWN ROAD WILL  
BE DETERMINED IT IS  
SHOWN AS A HYBRID-OPEN  
SECTION ROAD.

LOT 12  
CHOU SUMIN, et al.

THE UNDERSIGNED HEREBY TO EXHIBIT ALL THE FEATURES AND  
REQUIREMENTS OF THIS SITE PLAN IN ACCORDANCE WITH THE  
REQUIREMENTS OF THE MONTGOMERY COUNTY PLANNING  
AND ZONING COMMISSION, CIVIL ENGINEER, CLARKSBURG, MARYLAND.

PIEDMONT ASSOCIATES LIMITED PARTNERSHIP  
BRICKLEY'S SUBDIVISION

PIEDMONT ASSOCIATES LIMITED PARTNERSHIP

PIEDMONT ASSOCIATES  
LIMITED PARTNERSHIP

PETER L.M. and M.M. HEYDEMANN  
BRICKLEY'S SUBDIVISION

LOT 17  
HAMIL B. RAFF



**SITE PLAN**  
**CLARKSBURG TOWN CENTER**  
CLARKSBURG (2ND ELECTION DISTRICT)  
MONTGOMERY COUNTY, MARYLAND

OWNER	CLARKSBURG LIMITED PARTNERSHIP C/O FIRST SUNBURY LLC 242 HUNTERFORD DRIVE ROCKVILLE, MD 20850 STEVE KLEBANOFF
DATE	July, 1997
BY	[Signature]



PARCEL 610 EW 32  
CLARKSBURG JOINT VENTURE  
OF ROBERT P. MILLERSON, P.A.

PARCEL 527 EW 32  
PERRY AND MATTIE V. DORSEY

PARCEL 512 EW 32  
FRANK D. & K.B. DORSEY

N/F  
PARCEL 667  
M.N.C.P.&P.C.

KING'S POND  
N/F  
PARCEL 615 EW 32  
M.N.C.P.&P.C.

N/F  
PARCEL 562 EW 32  
M.N.C.P.&P.C.

CLARKSBURG ROAD

PLAYGROUND

SOCCER FIELD

BASEBALL FIELD

MATCH LINE - SEE SHEET 3

MATCH LINE - SEE SHEET 4

APPROVED SITE PLAN  
FILE NO. 10-001  
MONTGOMERY COUNTY PLANNING BOARD  
J. R. [Signature]  
2/22/99  
THE UNDERSIGNED AGREE TO EXECUTE ALL THE FEATURES AND  
REQUIREMENTS OF THIS SITE PLAN IN ACCORDANCE WITH THE  
AGREEMENTS BETWEEN THE MONTGOMERY COUNTY PLANNING  
BOARD AND THE UNDERSIGNED, DATED 10/22/98.  
BY: [Signature]  
PROJECT NAME AND TITLE: Clarksburg Town Center  
Montgomery County, Maryland

NO.	DATE	REVISION	BY	CHKD.
1	10/22/98	REVISED PER PLAN	STW	STW

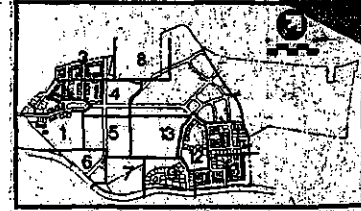


**MK**  
MONTGOMERY/KONTZAS ENTERPRISES  
2000 UNDER LANE - SUITE 200 - SILVER SPRING, MD 20910 - 301/588-1588

**SITE PLAN**  
**CLARKSBURG TOWN CENTER**  
CLARKSBURG (2ND ELECTION DISTRICT)  
MONTGOMERY COUNTY, MARYLAND

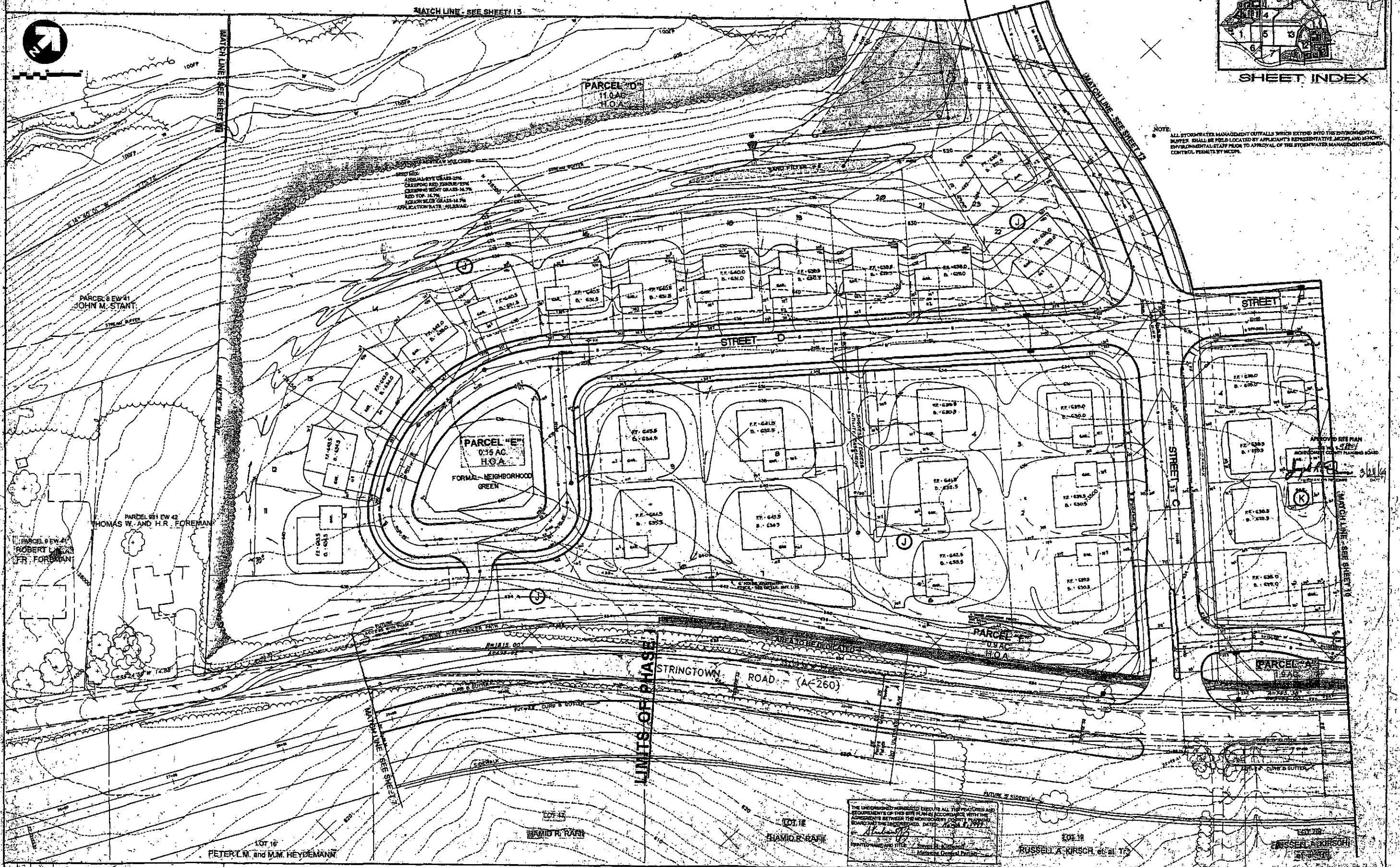
OWNER: CLARKSBURG LIMITED PARTNERSHIP  
C/O FIRST SUMMIT, L.L.C.  
242 HUNTERSFORD DRIVE  
ROCKVILLE, MD 20850  
STEVE KLEINHOFF  
PROJECT NO. 10-001  
DATE: 2/22/99





SHEET INDEX

NOTE: ALL STORMWATER MANAGEMENT OUTFALLS WHICH EXTEND INTO THE ENVIRONMENTAL BUFFER, SHALL BE FIELD LOCATED BY APPLICANT'S REPRESENTATIVE AND MONITORING ENVIRONMENTAL STAFF PRIOR TO APPROVAL OF THE STORMWATER MANAGEMENT CONTROL TREATMENT BY MCDP.

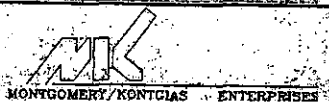


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THE UNDERSIGNED HEREBY CERTIFY THAT ALL INFORMATION AND REQUIREMENTS OF THIS SITE PLAN ACCORDANCE WITH THE REQUIREMENTS OF THE MONTGOMERY COUNTY PLANNING BOARD AND THE MONTGOMERY COUNTY PLANNING BOARD'S RESOLUTION NO. 10-10-1997.

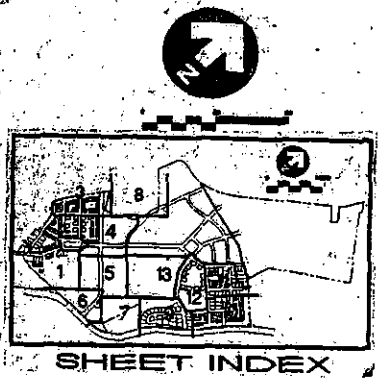
RUSSELL A. KIRSCH, et al. TO

RUSSELL A. KIRSCH, et al. TO



SITE PLAN  
CLARKSBURG TOWN CENTER  
CLARKSBURG 12ND DISTRICT

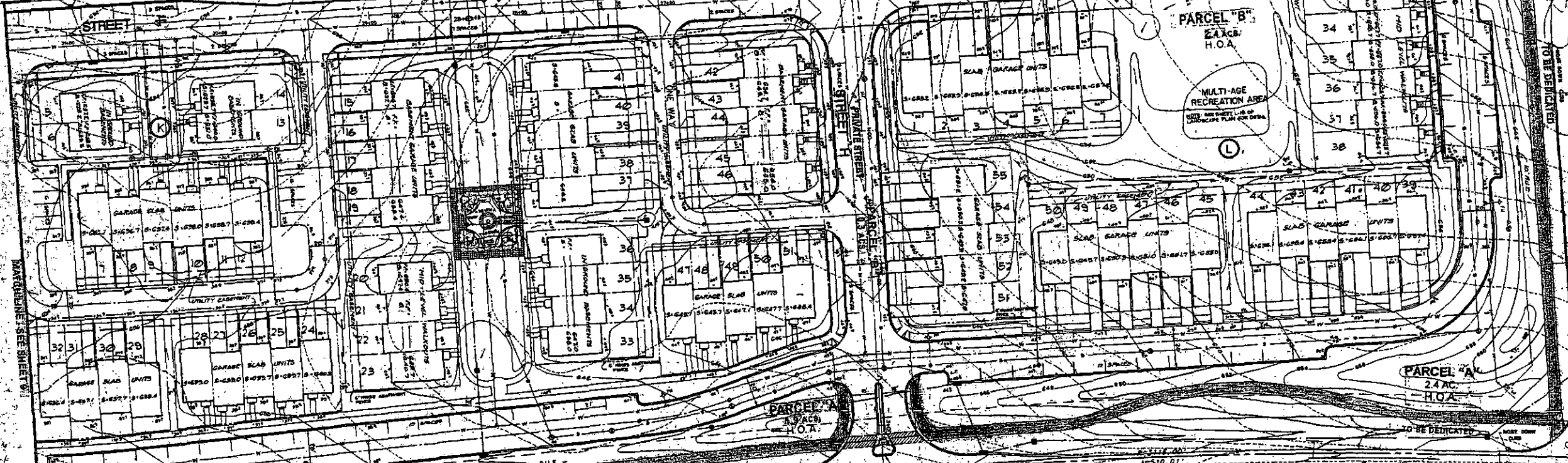
OWNER: CLARKSBURG TOWN CENTER  
CLARKSBURG TOWN CENTER  
202 MARKET STREET  
CLARKSBURG, MD 20611  
STEVE KIRKMAN  
CLARKSBURG TOWN CENTER  
CLARKSBURG 12ND DISTRICT



MATCH LINE - SEE SHEET 11

PARCEL 100 EW 61  
STUART AND MURPHY FIELD

MATCH LINE - SEE SHEET 10



PIEDMONT ROAD  
(A-305) FUTURE MID-COUNTY HIGHWAY

GEORGETOWN COMMUNITY CENTER

APPROVED SITE PLAN  
DATE: 6-27-20  
MONTGOMERY COUNTY PLANNING BOARD

John A. D...  
5/24/20

STRINGTOWN ROAD  
R-7

STRINGTOWN ROAD - (A-260)

PARCEL 330 EW 61  
CLARKSBURG VILLAGE PARTNERSHIP

LOT 20 BRINKLEY & CO. DRIV. P.W.  
MAXWELL M. BRINKLEY, W. ROGERS

THE UNDERSIGNED HEREBY CERTIFIES THAT ALL THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF HIS KNOWLEDGE AND BELIEF.  
DATE: 6-27-20  
BY: [Signature]  
Montgomery County Planning Board

NOTE:  
\* DESIGNATED MODERATELY PRICED DWELLING UNIT LOCATION



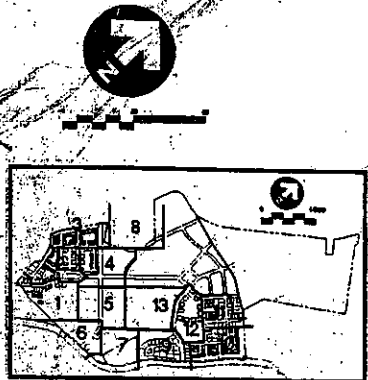
**MLK**  
MONTGOMERY KONTICAS ENTERPRISES  
Engineers, Planners & Surveyors  
7200 UNDERLIE - SUITE 200, SUITE 200, SPRING, MD 20781-3000

**SITE PLAN**  
**CLARKSBURG TOWN CENTER**  
CLARKSBURG (2ND ELECTION DISTRICT)  
MONTGOMERY COUNTY, MARYLAND

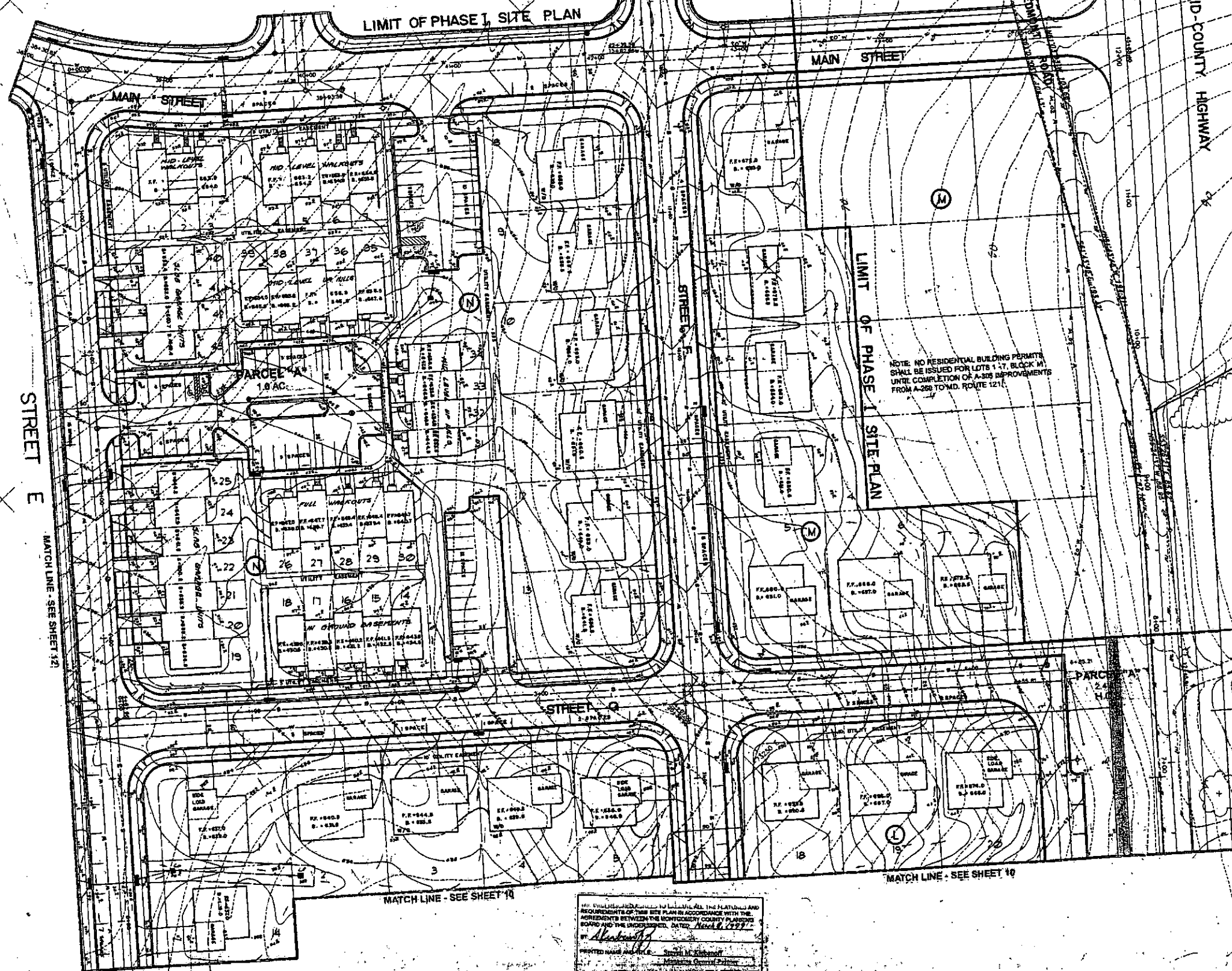
OWNER: CLARKSBURG VILLAGE PARTNERSHIP  
DATE: 6-27-20  
BY: [Signature]  
5/24/20

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91	92	93	94	95	96	97	98	99	100





SHEET INDEX



P. 450 EW 42  
ARLENE D. CARLTON, CL. BK.

APPROVED SITE PLAN  
NO. 100-1-1001  
MONTGOMERY COUNTY PLANNING BOARD  
J.H.D.  
3/24/11  
DATE

P. 405 EW 42  
STUART N. and B. RUSHFIELD

ALL DEVELOPMENTS SHALL BE IN ACCORDANCE WITH THE PLATINGS AND REQUIREMENTS OF THIS SITE PLAN IN ACCORDANCE WITH THE AGREEMENTS BETWEEN THE MONTGOMERY COUNTY PLANNING BOARD AND THE UNDERSIGNED, DATED: March 6, 1997.

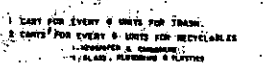
PRINTED NAME AND TITLE: Stuart N. Rushfield  
Montgomery County Planner



SITE PLAN  
CLARKSBURG TOWN CENTER  
CLARKSBURG (2ND ELECTION DISTRICT)  
MONTGOMERY COUNTY, MARYLAND

OWNER: CLARKSBURG LIMITED PARTNERSHIP  
C/O FIRST TURNER, L.L.C.  
340 HANOVER DRIVE  
ROCKVILLE, MD 20850  
STEVE KERNSTADT

DATE: CLW 11-11-11  
DATE: N.T. 11-11-11  
DATE: 11-11-11  
DATE: 11-11-11



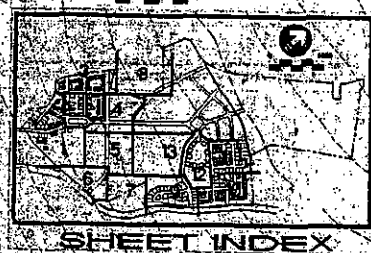
THE UNDERSIGNED AGREES TO EXECUTE ALL THE FEATURES  
REQUIREMENTS OF THIS SITE PLAN IN ACCORDANCE WITH THE  
AGREEMENTS BETWEEN THE MONTGOMERY COUNTY PLANNING  
BOARD AND THE UNDERSIGNED. DATED March 8, 1977  
BY [Signature]  
PRINTED NAME AND TITLE Steven M. Kharouf  
Managing General Partner

APPROVED SITE PLAN  
FILE NO. 9702  
MONTGOMERY COUNTY PLANNING BOARD  
[Signature]  
CHAIRMAN OF THE BOARD  
3/24/99  
DATE

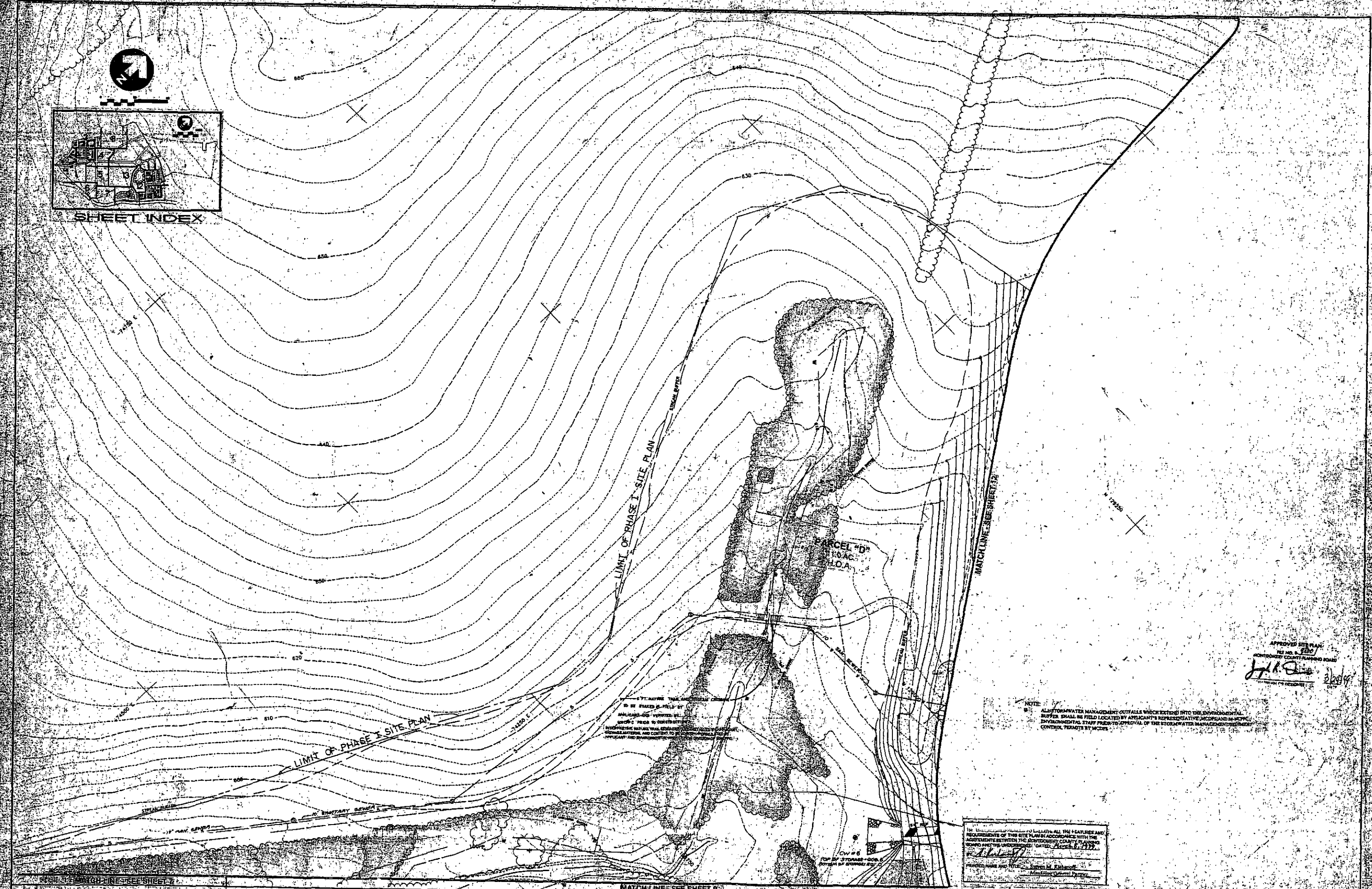
**SITE PLAN**  
**CLARKSBURG TOWN CENTER**  
CLARKSBURG (2ND ELECTION DISTRICT)  
MONTGOMERY COUNTY, MARYLAND

OWNER: CLARKSBURG UNITED PARTNERSHIP  
C/O FIRST SUNDAY L.P.  
342 HUNTERFORD DRIVE  
ROCKVILLE, MD 20850  
STEVE BLANKENHORN

NAME	DATE	12	OF	13
STREET	MT.	STREET	CITY & ST.	ZIP CODE
				97-005,211



SHEET INDEX



TO BE STAKED & FIELD BY  
APPLICANT AND VERIFIED BY  
ENGINEER PRIOR TO CONSTRUCTION  
EXISTING NATURAL OBSTACLES (TREES, ROCKS, ETC.)  
SHOULD BE REMOVED AND CONTAINED TO BE REINSTALLED BY  
APPLICANT AND ENGINEER'S SUPERVISOR

NOTE:  
ALL STORMWATER MANAGEMENT OUTFALLS WHICH EXTEND INTO THE ENVIRONMENTAL  
BUFFER SHALL BE FIELD LOCATED BY APPLICANT'S REPRESENTATIVE (MCMPS AND MCMPC)  
ENVIRONMENTAL STAFF PRIOR TO APPROVAL OF THE STORMWATER MANAGEMENT  
CONTROL TERMS BY MCMPS

THIS SITE PLAN IS A PART OF THE APPLICATION FOR A DEVELOPMENT PERMIT  
SUBMITTED TO THE MONTGOMERY COUNTY PLANNING BOARD  
ON 10/15/97  
APPROVED DATE: 10/15/97  
APPROVED NAME AND TITLE: Steven M. Kuntz  
Montgomery County Planning Board

APPROVED SITE PLAN  
FILE NO. 97-100  
MONTGOMERY COUNTY PLANNING BOARD  
DATE: 10/15/97

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71	72	73	74	75	76	77	78	79	80
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91	92	93	94	95	96	97	98	99	100



MONTGOMERY KONTZAS ENTERPRISES  
1000 DRY LINE - SUITE 200 - SILVER SPRING, MD 20910 - 301-766-5000

**SITE PLAN**  
**CLARKSBURG TOWN CENTER**  
CLARKSBURG (2ND ELECTION DISTRICT)  
MONTGOMERY COUNTY, MARYLAND

OWNER: CLARKSBURG TOWN CENTER  
C/O FISH COUNTRY, LLC  
542 MANASSAS DRIVE  
GREENVILLE, MD 20886  
STEVE ALLEN  
DATE: 10/15/97  
SCALE: 1" = 100'



Sarah Navid – DPS – Right-of-Way Permitting and Plan Review Section  
DRC Comments – May 21, 2001

Site Plan 8-98001B Clarksburg Town Center – Phase 1B *OK*

- Brightwell Drive – if private, must serve all townhouses; if public, must be 20' wide
- Confirm Fire Marshal OK with Piedmont Trail Road width (18' – private) *need sign off.*
- Provide DPS with copies of waivers from MNCPPC for reduced centerline radii on Brightwell Drive (if public), Clarkmead Drive, and Murphy Grove Terrace (Phase 2)
- Future phase - Murphy Grove Terrace? to operate one-way northeastbound from Grapevine Ridge Terrace to Clarksburg Square Road, no chokers, 20' width, accommodate SU-30 at 90 degree curve *gene has package of waiver*
- Provide ADA access to A-305 at Murphy Grove Terrace (Phase 2)
- Show Stringtown Road and A-305 improvements adjacent to this site ✓
- Need preliminary grade establishment plan for Clarks Crossing Drive from Murphy Grove Terrace to Clarksburg Square Road, appears too steep near Clarks Crossing Drive
- Tree spacing 50' on center per our standard for this section of Clarksburg, std. species

Project Plan 9-98001A Highlands of Clarksburg  
No comments – didn't receive most current plan

Site Plan 8-84011-B Gunners Lake Village – Section 13

- Provide wider (34/35') driveway on Wisteria Drive to allow for two outbound lanes
- Show truck loading and truck access through site
- Access driveway into parking lot east of Lot 4 is too tight – recommend 24' min. with larger turning radii at adjacent, existing lot
- Provide sight distance certification for driveway on Wisteria Drive
- Show all opposite driveways on Wisteria Drive and pavement lane markings to determine whether proposed driveway location is OK
- Reciprocal access easements with adjacent property
- Provide storm drain capacity/impact analysis for public storm drain systems
- Provide standard tree spacing and species

Site Plan 8-01023 Glenmont Shopping Center – Parcel L

- Western driveway – provide intersection design driveway (asphalt) with min. 4' wide median; may need larger radius on east corner to accommodate trucks – provide lead sidewalk east side – coordinate with DTPS for signal modification requirements (Bob Gonzales)
- Center driveway – provide intersection design driveway (asphalt) with 30' radii – internal site driveway to east should be one-way away (e.g. eastbound) – show proposed DO NOT ENTER signs on plan
- Eastern driveway – provide standard commercial driveway 35' wide to accommodate truck egress
- Show truck route and turning template through site – 20 clearance in back is too narrow
- Provide street trees in right of way – bikepath/sidewalk OK in present location
- Provide sidewalk along north side of building adjacent to parking
- Coordinate with MSHA on their future plans for MD 97 and Randolph Road
- Show proposed pavement marking plan for directing traffic between westernmost driveway and the rest of the shopping center
- Delineate proposed employee parking versus customer parking

May 21 2001

DRD- Site Plan Comments Clarksburg Town Center

*Wyn W*

1B2

Plant List must include plant size at installation, type, spacing; use letter abbreviations for the labels, not symbols.

Move details to landscape plan – too difficult to pick up on path connections

Need larger planting in front of nine unit TH stick

Develop Plant alternatives for SWM area where trees were removed, review paths to reduce redundant paths

Sheet L4 – develop ped crossing across Clark Crossing Drive per earlier approval

Parcel A Block E – What is it to be? Provide seating at minimum

Street Trees fall short of the intersection – too short, why?

1B3

Reorient Apts to street on Clarksburg Square Road – middle unit

Ped connections to be developed to play area Sheet L-1

Improve plant list as above

*Ex-gull area falls short of required parking short*

MONTGOMERY COUNTY DEPARTMENT OF PERMITTING SERVICES  
WATER RESOURCES SECTION  
255 Rockville Pike, 2nd Floor, Rockville, Maryland 20850-4153

Date: 5/21/01

MEMO TO: Larry Ponsford, Site Planner  
Development Review Committee, MNCPPC

FROM: Jay Beatty, Blair Lough  
Water Resources Section, MCDPS

SUBJECT: Stormwater Management Concept Plan/Floodplain Review  
Site Plan # 8-98001B, Clarksburg Town Center  
Project Plan # N/A  
Preliminary Plan #1-95042, DPS File # 1-95042  
Subdivision Review Meeting of

The subject plan has been reviewed to determine if it meets the requirements of Executive Regulation 5-90 for stormwater management and Executive Regulation 108-92 AM for floodplain. The following summarizes our findings:

**SM CONCEPT PLAN PROPOSED:**

☐ On-site: ☐ Quantity ☐ Quality ☐ Both  
☐ On-site/Joint Use ☐ Central (Regional): waived under 2.a.2.b.  
☐ Existing ☐ Concept Approved

**Type Proposed:**

☐ Infiltration ☐ Retention ☐ Surface Detention ☐ Wetland ☐ Sand Filter  
☐ Separator Sand Filter ☐ Other  
☐ Waiver: ☐ Quantity ☐ Quality ☐ Both  
☐ Approved on  
☐ Exempt ☐ Other

**FLOODPLAIN STATUS:** 100 Year Floodplain On-Site ☒ Yes ☐ No ☐ Possibly  
☐ Provide source of 100 Year Floodplain Delineation: ☒ Approved ☐ Under Review  
☐ Submit drainage area map to determine if a floodplain study (>30 acres) is required  
☐ Dam Breach Analysis ☐ Approved ☐ Under Review

**SUBMISSION ADEQUACY COMMENTS:**

☐ Adequate as submitted ☐ Inadequate for evaluation  
☐ Downstream notification  
☐ The following additional information is required for review:

**RECOMMENDATIONS:**

☐ Approve ☐ as submitted ☐ with conditions (see comments below).  
☐ Incomplete; recommend not scheduling for Planning Board at this time.  
☒ Hold for additional information. See below  
☐ Comments/Recommendations: Show all SWM structures on the site plan. Provide a comparison imperviousness to the original WQP. Please send this information to Richard Gee with DPS.

cc: Steve Federline, Environmental Planning Division, MNCPPC  
→ C.P.J.

bll DRC site plan.03/01

**DEVELOPMENT REVIEW COMMITTEE  
TRANSPORTATION PLANNING COMMENTS**

Item No. **02** Memo Required ? Yes **X** No

Meeting Date **05/21/01** Transportation Planner **Ki Kim** Ext **4538**

Date of Prior DRC **1/30/95 & 1/17/95** Dev. Rev. Planner **Wynn Witthans** Ext **4584**

Plan Number(s) **8-98001-A** Zone **RMX-2**

Plan Name **Clarksburg Town Center, Phase IB, Parts 2 & 3**

Applicant Name, Representative, or Attorney **Applicant=Terrabrook-Jim Richmond  
Engineer=Charles P. Johnson-Les Powell**

Policy Area **Clarksburg** Parcel or Lot Numbers

Development Type **Sin. Fam. Det. Units** **Town-houses**

Size/Number of Units **36** **79**

No. of Lots Phasing **Yes**

WSSC Map No(s) **233NW13**

Tax Map No(s) **EW**

**I. ADEQUATE PUBLIC FACILITIES**

Existing Land Use/Occupied

Prior approval	<b>75-sf;295-th;396apt</b>	As	<b>8-98001</b>	On	<b>1/22/98</b>
For	<b>1,300-du;150ksf</b>	As	<b>1-95042</b>	On	<b>9/28/95</b>
For	<b>Ret.;100ksf Off.</b>	as		On	
For		as	<b>9-94004</b>	On	<b>5/11/95</b>

**a. Policy Area Review**

☐ Staging ceiling capacity (jobs/housing) available Yes No **X**

Number of jobs remaining as of

Number of housing units remaining **- 1,488** as of **03/31/01**

☐ If deficit: De Minimis Mitigation Pay & Go DAP

Proposed traffic mitigation program for policy area review

☐ Required/optional participation in TMO Master/Sector I-3 Zone

☒ Traffic study required **No** Traffic statement required **Yes**

Traffic study/statement submitted on **waiting**

☐ Traffic study/statement acceptable Letter sent

## II. RIGHT-OF-WAY DESIGNATION/USE

Roadway(s)	Stringtown Road	Piedmont Road
Master Plan designation	Arterial (A-260)	Rustic (R-5)
Master Plan right-of-way	120 feet	70 feet

<input type="checkbox"/>	Dedicated as shown on plan	120 feet
<input type="checkbox"/>	Additional dedication for	
<input type="checkbox"/>	Designated bikeway as Class/Side of Road	PB-9, Class I
<input checked="" type="checkbox"/>	Sidewalk	Not Shown

Rustic Road

Yes

Roadway(s)	Clarksburg Road- MD 121	Midcounty Arterial
Master Plan designation	Arterial (A-27)	Arterial (A-306)
Master Plan right-of-way	80 feet	80 feet

<input type="checkbox"/>	Dedicated as shown on plan	80 feet	
<input type="checkbox"/>	Additional dedication for		
<input type="checkbox"/>	Designated bikeway as Class/Side of Road	PB-9, Class I	B-2, Class I
<input type="checkbox"/>	Sidewalk	Not Shown	

Rustic Road

<input type="checkbox"/>	Provide roadway connection to
<input type="checkbox"/>	Provide sidewalk connection to
<input type="checkbox"/>	Abandonment needed for
<input type="checkbox"/>	Place in reservation for
<input type="checkbox"/>	Place in easement (transit/roadway) for

### COMMENTS:

1. Also with Phase II, Class I bikeway, B-1, North-South Greenway, runs through the site & Class I, B-3.
2. Old Phase 1B= 57-sf, 133-th, & 150-apts
3. New Phase 1B=67-sf, 146-th, & 80-apts.
4. Difference = 10-sf, 16-th, & -70-apts.
5. Stringtown Road now underconstruction.



**Roadway(s)**

Master Plan designation

Master Plan right-of-way

☐

Dedicated as shown on plan

☐

Additional dedication for

☐Designated bikeway as  
Class/Side of Road☒

Sidewalk

Rustic Road

**Burnt Hill Road****Rustic****70 feet****Rustic****Redgrove Place****Primary (P-5)****70 feet**

8-98001C CLARKSBURG TOWN CENTER-PHASE 1A  
PART ONE

Received

Zone: RMX-2

18 units, 23.82 acres

10:30am

Terrabrook Development Co.  
MLK Engineers, Inc.

- Applicant  
- Engineer

COMMITTEE COMMENTS:

1. EPD – no comments
2. DPS – approved as submitted; see approved FWQP letter dated 1/15/98
3. DPS – (Permitting and Plan Review Section) - Provide a median on Clarksburg Road at L Street and modify right turn channelization (median to be constructed in coordination with Clarksburg Ridge development on north side of Clarksburg Road); Add a raised crosswalk on M Street at "O" Street; Modify chokers, curb return radii, and as shown on marked-up plan; Will need waiver from MNCPPC at plan review for angle less than 70 degrees at Clarksridge Road and Street "M"; for horizontal alignment on Clarksridge Road; and for no truncation at corner properties; Modify intersection design at Clarksridge Road and Street "M" ; No Parking will be allowed on Clarksburg Square Road west of Clarksridge Road, other parking spaces shown may be modified as necessary for sight distance and traffic flow
4. MCDPW&T – no comments
5. WSSC – no comments
6. MDSHA – no comments
7. TPD – no comments
8. PEPCO/VERIZON/Washington Gas – cleared 10 foot PUE parallel and contiguous to all public right-of-ways
9. DPS – (Well & Septic) – no comments
10. DRD – (Site Plan Reviewer) – Provide Rec guidelines comparison for Phase 1A 1 only; Show detail on play equipment, benches needed (type, manufacturer design) all locations; Improve Garages behind Lots 14-19 – too many in a row w/o a break; More detail for rear loaded parking garages paving – break asphalt drives with conc pads to garages at least; Show Parking Tabulations for 1-A-1 only, not 1A-2; Show fence around dumpster; Show ped circulation around the 9-unit corner houses; Include evergreens in long unit strings' foundation planting; What is VRW – shrub??; Include landscaping in SWM facility on sheet L-4; Raised Crosswalk on Overlook Park Drive; Court behind TH's on OP dr, Sts 1 and B needs tot lot and sitting area; 4 units on St M @ central grre – how access lots w/vehicles?; TH's S side of Clarksridge Road – conc apron in back; Play area behind area noted above (#14), earlier plan included sandbox, swings and 2+ benches; 2 streets are labeled "B" street; Crosswalk on Clarksridge Road??; Acer saccharinum (SP??) Sugar Maple –not tolerant of road salts
11. CBP – no comments
12. Parks Department – see written notes at preliminary plan
13. DEP – categories W-1/3 and S-3; see written comments
14. MCFRS – Standard Requirements (hand-out)

15. **Historic Preservation** – This project involves the Master Plan Clarksburg Historic District #13/10; issues about transition and buffering to the historic district are under discussion

8-01034      GATEWAY 270 CORPORATE PARK, LOT 7

Received

Zone: I-3

4.4882 acres

11:10am

American Health Assistance, LLC  
Macris, Hendricks & Glascock, PA

- Applicant  
- Engineer

**COMMITTEE COMMENTS:**

1. EPD – plan is complete; approval with conditions
2. DPS – Approved as submitted; see FWQP letter of 7/6/01
3. MCDPW&T – no comments
4. WSSC – water and sewer available; pay service connections and applicable fees and charges; submit on-site plan for water lines greater than 2-inches or sewer lines greater than 4-inches; hydraulic information required; pay system development charge (SDC) fee
5. MDSHA – no comments
6. TPD – no comments
7. PEPCO/VERIZON/Washington Gas – cleared 10 foot PUE parallel and contiguous to all public right-of-ways
8. DPS – (Well & Septic) – no comments
9. DRD – (Site Plan Reviewer) – Amenity of the site is the woods; Transit issues: Flextime to be used in summer; Part-time workers with varied schedules; Forest conservation: Maintain dimensions of tree-save area; Maintain drainage flow from offsite thru the wooded area; I-3 amenity: Sitting area / picnic; Enhance greatly the walk in from the street along the driveway; Provide for extension of drive to rear lot; relocate SWM and parking to SE; Narrow the driveway by 3' to 22'; take paving off the inside of the curve, make dropoff deeper; Relocate amenity area to west corner to take advantage of the woods and so entrance walk along driveway can intersect it. Make the notched building corner "frame" this worker amenity space; Streetscape the drive with street trees and sidewalk away from curb; Fully landscape fill slope below driveway (and its possible extension to the south); Raise south corner of parking to lessen impact of cut slope along SE parking lot edge; Eliminate loops on SW end of parking, replace with relocated row of spaces from SE edge of parking; Place parking light poles in islands, not in pavement; Replace sugar maple; Widen crosswalk; consider moving the continuous island and its crosswalk one bay NW; Provide landscape treatment for the embankment along the street; Screen loading, dumpsters and transformers with a wall compatible with the building form and materials; Consider cleaning out the wooded area between the drive and the building as a wooded, park-like setting for the building
10. CBP – no comments
11. Parks Department – no comments
12. DEP – categories W-1 and S-1; see written comments
13. MCFRS – Standard Requirements (hand-out)

898001B CLARKSBURG TOWN CENTER

Received

Zone: RMX-2

1 Lot, 22.14 Acres

9:50am

Terrabrook

- Applicant

Charles P. Johnson & Associates - Engineer

COMMITTEE COMMENTS:

1. DRD – no comment
2. EPD – need SWM plan, 1B-3, patns redundant – add impervious, need impervious numbers
3. DPS – (SWM) hold for additional information; show all SWM structures on the site plan; provide a comparison imperviousness to the original WQP; please send this information to Richard Gee with DPS; floodplain approved; need landscape plans
4. MCDPW&T – no comments
5. WSSC – review requirements with DPM, Pat Tighe, 301-206-8749
6. MDSHA – Historic property may be impacted by A305 lowering
7. TPD – site development appears to relate to class 1, shared use paths designated B1, 2 and 3 in the Clarksburg Master Plan; re-evaluate analysis of trip generation
8. PEPCO/VERIZON/Washington Gas – cleared 10 foot PUE parallel and contiguous to all public right-of-ways; preferred but alternate agreements on PUE's o.k.
9. DPS – (Permitting Section) – Brightwell Drive, if private, must serve all townhouses; if public, must be 20' wide; Confirm Fire Marshal OK with Piedmont Trail Road width (18' – private); Provide DPS with copies of waivers from MNCPPC for reduced centerline radii on Brightwell Drive (if public), Clarkmead Drive, and Murphy Grove Terrace (Phase 2); Future phase - Murphy Grove Terrace? to operate one-way northeast bound from Grapevine Ridge Terrace to Clarksburg Square Road, no chokers, 20' width, accommodate SU-30 at 90 degree curve; Provide ADA access to A-305 at Murphy Grove Terrace (Phase 2); Show Stringtown Road and A-305 improvements adjacent to this site; Need preliminary grade establishment plan for Clarks Crossing Drive from Murphy Grove Terrace to Clarksburg Square Road, appears too steep near Clarks Crossing Drive; Tree spacing 50' on center per our standard for this section of Clarksburg, std. Species; get fire marshal to review 18' streets
10. DRD – (Site Plan Reviewer) – need revised paths around pond, replant pond, review maintenance agreement to allow tighter tree spacing – proposed to take over entire R.O.W. maintenance; more details on landscape plan; for 1B3 reorient apt to be closer to street; need pedestrian connects to play areas, green area falls short of required parking insufficient; need details of rec. equipment
11. CBP – master plan for tree species
12. Parks Department – open space around the stormwater pond area.
13. Trail access is needed to Clarksburg Greenway trail system, particularly from the trail system shown in the
14. DEP – categories W-1/3 and S-3
15. MCFRS – Standard Requirements (hand-out)

**WSSC Comments on Items for May 21, 2001**  
**Development Review Committee Meeting**

File Number	Project Name	Substantial Comments
1-01068	Fairland Gardens, Section 2 ✓	May need grinder pump and pressure sewer for service
8-98001B	Clarksburg Town Center ✓	Review requirements with DPM, Pat Tighe, 301-206-8749
8-98001A	Highlands at Clarksburg ✓	Water lines will need to be looped to provide outage protection for future. <Norma>
8-84011B	Gunner's Lake Village – Section 13 ✓	Existing on-site service lines impacted. On-site plans will be required. Extensions may be required – if so please request a hydraulic planning review from WSSC's Development Services Center. 301-206-5609
8-01023	Glenmont shopping Center – Parcel L ✓	Apparently using existing connections. Coordinate with WSSC's Permit Services for SDC fixture counts. 301-206-4003

WSSC's Development Services Group reviews Preliminary Plans for MNCP&PC. In order for DSG to provide complete and detailed comments, the Applicant must submit a preliminary plan package directly to the Development Services Center (7<sup>th</sup> Floor of WSSC's Laurel Office) at the same time the information is submitted to MNCP&PC. Along with the plans, the applicant is to provide a sketch showing proposed water and sewer layout using a 200' scale drawing as set by the guidelines of the Water and Sewer Authorization Process Manual. The DSG will provide conditions and comments in the form of a letter of findings only on preliminary plan packages that have been concurrently submitted to the WSSC and MNCP&PC.

The required information was not submitted to WSSC for review for the above projects. Comments are likely to be incomplete, and a letters of findings will not be prepared.

Requests for Hydraulic Planning Analysis are required for any of the above that require extensions. Contact WSSC's Development Services Center for information on requesting a Hydraulic Planning Analysis.



MCDEP - WMD Summary Comments for May 21, 2001, DRC Meeting Minutes:

**1-01068, Fairland Gardens, Section 2:** Public water and sewer service is consistent with the existing W-1 and S-1 service area categories. Category S-3 was approved under AD 99-1 (WSSCR 98A-FAL-03). The preliminary plan should clearly show the proposed sewer main extension needed to serve the house.

**1-82013, Gunner's Lake Village - Section 13:** Public water and sewer service is consistent with the existing W-1 and S-1 service area categories. It appears that a sewer relocation is required due to the proposed building for Lot 4. The proposed relocation should be labeled clearly. When the record plat is submitted to MCDEP, the engineer should note the proposed development information for a previously recorded plat along with the proposed development information for the current plat, as well as detailed information on any existing development which is to be removed, allowing MCDEP to accurately update the previously-recorded sewage flow.

**9-98001A, Highlands At Clarksburg:** Public water and sewer service is consistent with the existing W-1/3 and S-3 service area categories. The site was approved for categories W-1/3 and S-3 by GWSMA 00G-CKB-01 (CR 14-772), making it eligible for public water and sewer service. The water and sewer categories note should be revised to reflect these updated water and sewer categories. The plans submitted to MCDEP for review do not specify how public water and sewer service will be provided to Lots 61-65. The plan also needs to account for the eventual provision of public sewer service to adjacent properties such as Lots 4,5, and 8 of Brickbay's Subdivision and the lots fronting Suncrest Avenue. The WSSC should evaluate where rights-of-way should be established to minimize the need for future rights-of-way acquisition. Prior preliminary plan 1-95042.

**8-98001B, Clarksburg Town Center:** Public water and sewer service is consistent with the existing W-3 and S-3 service area categories. The water and sewer main labels for Brightwell Drive need to be corrected. The plan submitted to MCDEP does not include the portion of the site north of Piedmont Road which is in categories W-6 and S-6. Parcel P420, north of Piedmont Rd. and confronting the project site is approved for restricted public water and sewer service. WSSC should ensure that this property will have access to the water and/or sewer mains serving the Town Center project as needed. Prior preliminary plan 1-95042.

**8-01023, Glenmont Shopping Center - Parcel L:** Public water and sewer service is consistent with the existing W-1 and s-1 service area categories. The sewer mains and connections serving the site need to be clearly shown and labeled on the plan.

# Memorandum

May 7, 2001

To: Ron Welke  
Ed Axler  
Development Review – 5 copies  
Community Based Planning Teams -- 7 copies  
Park Planning via E-mail  
Gail Tait-Nouri FAX 240 -777-7178

From: Tom Robertson  
Transportation Planning

Subject: Pre-Preliminary Plans Reviews for Bikeways, Walkways, and Horseways

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This information summarizes Transportation Planning staff's review of preliminary plans of subdivision for **bicycle and pedestrian issues** for plans going to the **Pre-DRC meeting on May 16<sup>th</sup> and DRC on May 21<sup>st</sup>**.

It is being shared with you so that we may improve upon implementation. If you have additional comments, please share them with me.

The following comments are in order with the attached Development Review Committee list:

1. **Fairland Gardens, Section 2** Fairland Master Plan calls for sidewalks and a class 3, signed shared roadway on Fairdale Road.
2. **Clarksburg Town Center** Site development appears to relate to class 1, shared use paths designated B1, 2, and 3 in the Clarksburg Master Plan.
3. **Highlands at Clarksburg** Site development appears to relate to class 1, shared use paths designated B 5 and 9 in the Clarksburg Master Plan.
4. **Gunner's Lake Village – Section 13** Germantown Master Plan calls for a class 1, shared use path on the south side of MD 118.
5. **Glenmont Shopping Center – Parcel L** Development of site as a grocery store should include bicycle racks. Coordinate with Gail Nouri, DPWT.

Sarah Navid – DPS – Right-of-Way Permitting and Plan Review Section  
DRC Comments – May 21, 2001

Site Plan 8-98001B Clarksburg Town Center – Phase 1B

- Brightwell Drive – if private, must serve all townhouses; if public, must be 20' wide
- Confirm Fire Marshal OK with Piedmont Trail Road width (18' – private)
- Provide DPS with copies of waivers from MNCPPC for reduced centerline radii on Brightwell Drive (if public), Clarkmead Drive, and Murphy Grove Terrace (Phase 2)
- Murphy Grove Terrace? to operate one-way northeastbound from Grapevine Ridge Terrace to Clarksburg Square Road, no chokers, 20' width, accommodate SU-30 at 90 degree curve
- Provide ADA access to A-305 at Murphy Grove Terrace (Phase 2)
- Show Stringtown Road and A-305 improvements adjacent to this site
- Need preliminary grade establishment plan for Clarks Crossing Drive from Murphy Grove Terrace to Clarksburg Square Road, appears too steep near Clarks Crossing Drive
- Tree spacing 50' on center per our standard for this section of Clarksburg, std. species

Project Plan 9-98001A Highlands of Clarksburg  
No comments – didn't receive most current plan

Site Plan 8-84011-B Gunners Lake Village – Section 13

- Provide wider (34/35') driveway on Wisteria Drive to allow for two outbound lanes
- Show truck loading and truck access through site
- Access driveway into parking lot east of Lot 4 is too tight – recommend 24' min. with larger turning radii at adjacent, existing lot
- Provide sight distance certification for driveway on Wisteria Drive
- Show all opposite driveways on Wisteria Drive to determine whether proposed driveway location is OK
- Reciprocal access easements with adjacent property
- Provide storm drain capacity/impact analysis for public storm drain systems
- Provide standard tree spacing and species

Site Plan 8-01023 Glenmont Shopping Center – Parcel L

- Western driveway – provide intersection design driveway (asphalt) with min. 4' wide median; otherwise narrow to 36' – provide lead sidewalk east side – coordinate with DTPS for signal modification requirements (Bob Gonzales)
- Center driveway – provide intersection design driveway (asphalt) with 30' radii – internal site driveway to east should be one-way away (e.g. eastbound) – show proposed DO NOT ENTER signs on plan
- Eastern driveway – provide standard commercial driveway 35' wide to accommodate truck egress
- Show truck route through site – 20' clearance in back is too narrow
- Relocate bike path on Randolph Road to create lawn panel
- Provide sidewalk along north side of building adjacent to parking
- Coordinate with MSHA on their future plans for MD 97 and Randolph Road
- Show proposed employee parking versus customer parking

**TO:** Malcolm Shaneman  
Development Review

**FROM:** Doug Powell  
Park Planning and Resource Analysis

**RE:** Park and Natural Resources Issues involved in the plans to be  
discussed at the DRC on May 21, 2001.

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**1-01068**  
**Fairland Gardens, Section 2**

- No park issues.

**8-98001B**  
**Clarksburg Town Center**

- Trail access is needed to Clarksburg Greenway trail system, particularly from the trail system shown in the open space around the stormwater pond area.

**8-98001A**  
**Highlands at Clarksburg**

- Good trail access is needed from the development to the Clarksburg Greenway Trail system. Access easements should be provided from both the northwest and the northeast corners of the development.
- The north portion of the property that is not being developed should be dedicated to M-NGPPC to be part of the Clarksburg Greenway. The dedicated area should be sufficiently wide to provide a 600-foot total greenway width.
- A hard surface trail should be constructed along Stringtown Road from Route 355 to the main Clarksburg Greenway Trail located to the north of the property.
- A natural surface trail should be constructed from the center or east portion of the development to the Greenway Trail to provide hiker access to the Greenway Trail without traveling along Stringtown Road.
- Access should be provided from the development across Route 355 to the historic property (Dowden's Ordinary) on the southwest side of 355.

11. CBP – no comments
12. Parks Department – no comments
13. DEP- categories W- 6 and S-6 see written comments (hand-out)
14. MCFRS - Standard requirements (hand-out)

**8-98001A CLARKSBURG TOWN CENTER**  
**Zone: RMX-2**  
**964,637 square feet**  
**Terrabrook**  
**Charles P. Johnson and Associates, Inc.**

**Received 0/00/00**  
**Completed 0/00/00**  
**10:50am**

**- Applicant**  
**- Engineer**

**COMMITTEE COMMENTS:**

1. DRD- no comments
2. EPD- no comments
3. DPS- no comments
4. MCDPW&T – no comments
5. WSSC- no comments
6. MDSHA- no comments
7. TPD- Several planned bicycle facilities appear to be associated with this site; a close review of the Clarksburg Master Plan is needed; this review should include proposed bikeways designated B1, B2, B3, B5, and B9; there may be others; its very hard to read the maps provided for this review
8. PEPCO/Verizon/Washington Gas- cleared 10 foot PUE parallel and contiguous to all public rights of way
9. DPS (Well & Septic) – no comments
10. DRD (Site Plan Reviewer) – no comments
11. CBP – no comments
12. Parks Department – no comments
13. DEP- categories W- and S- see written comments (hand-out)
14. MCFRS - Standard requirements (hand-out)

**1-99021A ST. ANDREW KIM KOREAN CATHOLIC CHURCH**  
**Zone: R-C**  
**2 Lots, 45.2244 Acres**  
**James E. Dayhoff**

**Received 0/00/00**  
**Completed 0/00/00**  
**11:30am**

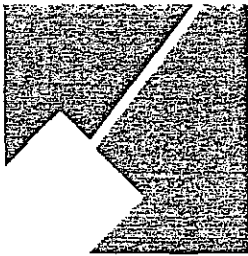
**- Applicant**  
**- Engineer**

**COMMITTEE COMMENTS:**

1. DRD- no comments
2. EPD- minimize parking per S.E.; may require re approval of forest conservation plan (submit letter of explanation outlining prior approvals of site)



M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK & PLANNING

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

September 20, 2000

**MEMORANDUM**

TO: Joe Davis  
✓ Malcolm Shaneman  
Development Review Division

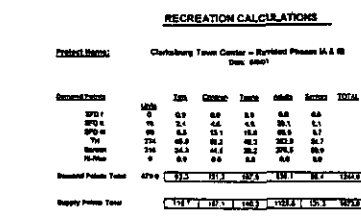
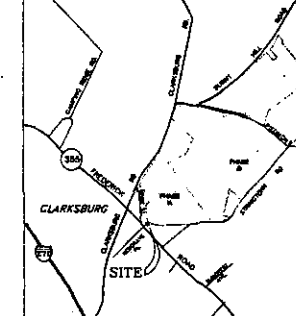
FROM: Gwen Wright, Historic Preservation Coordinator  
Robin D. Ziek, Historic Preservation Planner  
Historic Preservation Section

SUBJECT: Review of Subdivision Plans - DRC meeting September 25, 2000

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We have reviewed the following subdivision plans and found them not to involve any identified historic resources :

#1-999021A	St. Andrew Kim Korean Catholic Church
#1-01011	Bon Air Heights
#1-01013	Negola Property
#1-01014	Washington Zion Presbyterian Church
#7-01003	Lerner Property
#8-98001A	Clarksburg Town Center

[illegible]

**Minimum Building per Section 58-C-10.3.8**

Setbacks and rear lot, a 50 % reduction was previously approved by the Planning Board during  
Public Plan and Preliminary Plan for this development

1. From one-family residential zoning	60'
2. From residential zoning other than one-family	15'
3. From any case	0'

**Minimum Lot Requirements for Residential Lot Modification per Section 58-C-10.3.8 of Zoning Ordinance**

	SFD	T1's	Country T1's	Multi-Fam
Lot area	4000 sqft.	1120 sqft	80' x 16'	9,200
Rear yard	6'	6'	6'	6'
Lot width @ Street	25'	16'	20'	87'
Min. 1st or 2nd St. Width, Hwy	30'	17'	20'	87'
Rear Yard	30'	30'	6'	10'
Side Yard	9' @ 0'	0'	0'	10' @ 0'
Min. space between End Sloops	14'	20' @ 14'	35'	45'
Min. Height	35'	35'	35'	45'

\* Min-height  
Residential American Building/ Lot Standards


1. Coverage (Max. percentage of Lot)	50%
2. Setback (1st Side Lot)	
From Front Street Line	80'
From Side/Rear Lot Line	0'
From Alley Line	0'
Setback (Corner Lot)	
From Side Street (Where abutting Lot Front)	0'
From Side Street (Where abutting Lots do not Front)	0'
From Rear Lot Line	0'

Notes: Unshaded

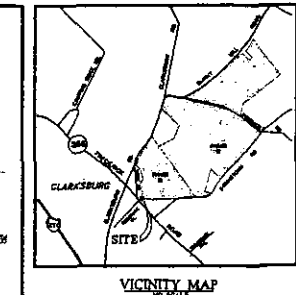
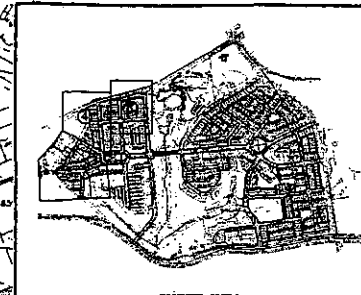
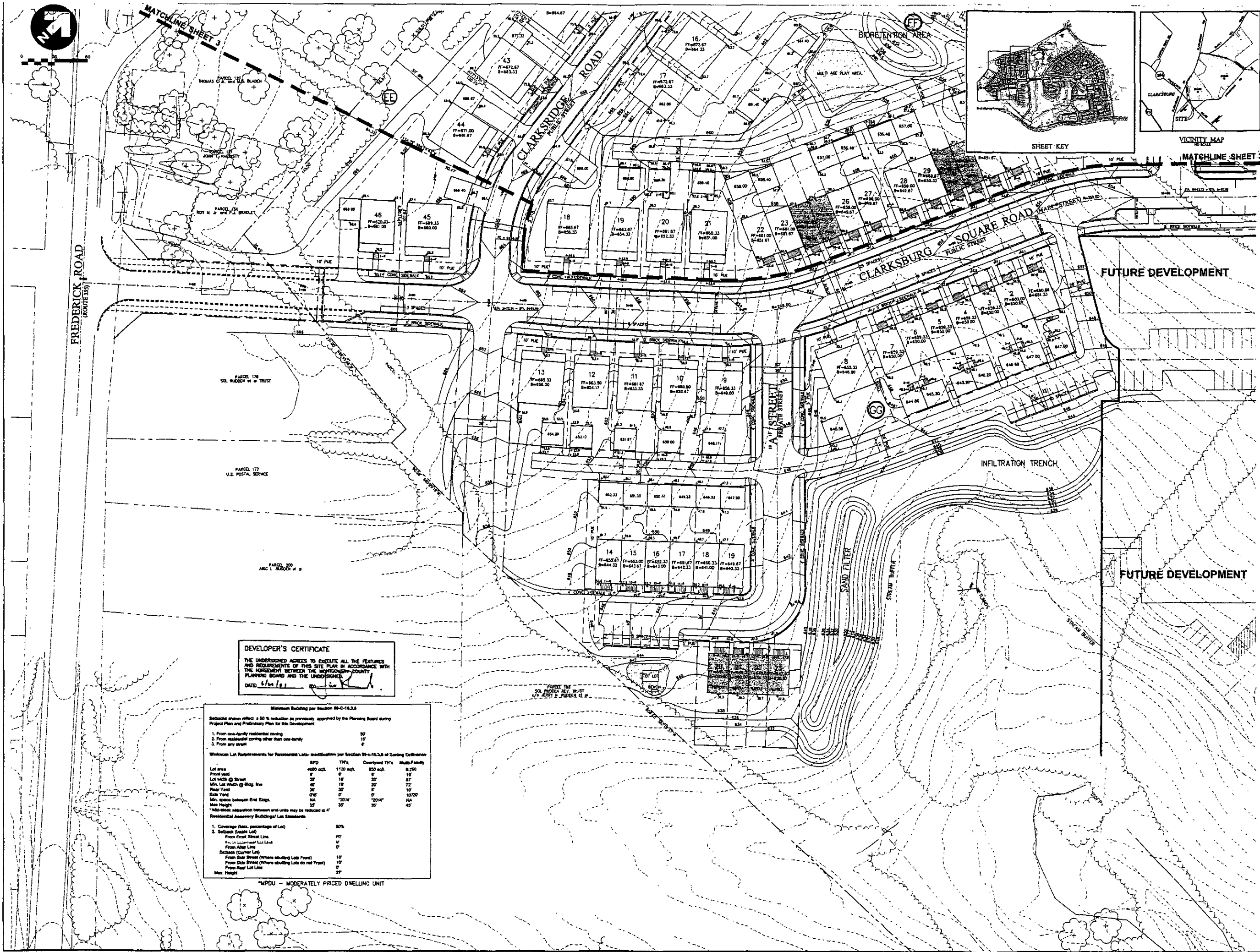
DEVELOPER'S CERTIFICATE

THE UNDERSIGNED AGREES TO EXECUTE ALL THE FEATURES  
AND REQUIREMENTS OF THIS SITE PLAN IN ACCORDANCE WITH  
THE AGREEMENT BETWEEN THE MONTGOMERY COUNTY  
PLANNING BOARD AND THE UNDERSIGNED.

DATE: 6/1/81 BY: [Signature]



DESIGN	DATE:
DRAWN	DATE: 12/06/07
APPROVED	JOB NO
FILE NO. 00501ATER	
SCALE: 1" = 200'	
SHEET	OF
1	5



**DEVELOPER'S CERTIFICATE**  
THE UNDERSIGNED AGREES TO EXECUTE ALL THE FEATURES AND REQUIREMENTS OF THIS SITE PLAN IN ACCORDANCE WITH THE AGREEMENT BETWEEN THE HONORABLE COUNTY PLANNING BOARD AND THE UNDERSIGNED.  
DATE: 6/1/05 BY: [Signature]

Minimum Building per Section 85-C-16.3.3

Setbacks shown reflect a 50% reduction as previously approved by the Planning Board during Project Plan and Preliminary Plan for this development.

1. From one-family residential zoning	50'
2. From residential zoning other than one-family	10'
3. From any street	5'

Minimum Lot Requirements for Residential Lots - modification per Section 85-C-16.3.3 of Zoning Ordinance

	SFD	T3's	Courtyard T3's	Multi-Family
Lot area	4000 sqft.	1120 sqft.	850 sqft.	8,200
Front yard	5'	5'	5'	10'
Lot width @ Street	25'	15'	20'	37'
Min. Lot Width @ Stop Line	40'	15'	20'	72'
Rear Yard	30'	30'	5'	10'
Side Yard	0'	0'	0'	10/20'
Min. space between End Stops	14'	20'14"	20'14"	14'
Max. Height	35'	35'	35'	45'

\*Min. block separation between units may be reduced to 4'

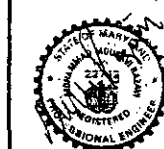
Residential Accessory Buildings' Lot Standards

1. Coverage (Max. percentage of Lot)	50%
2. Setback (Depth Lot)	
From Front Street Line	5'
From Side Street Line	5'
From Rear Line	5'
Setback (Corner Lot)	
From Side Street (Where abutting Lot Front)	10'
From Side Street (Where abutting Lot do not Front)	10'
From Rear Lot Line	0'
Max. Height	25'

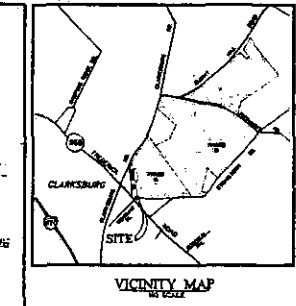
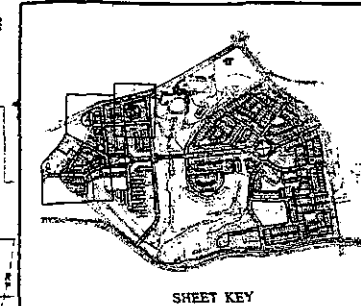
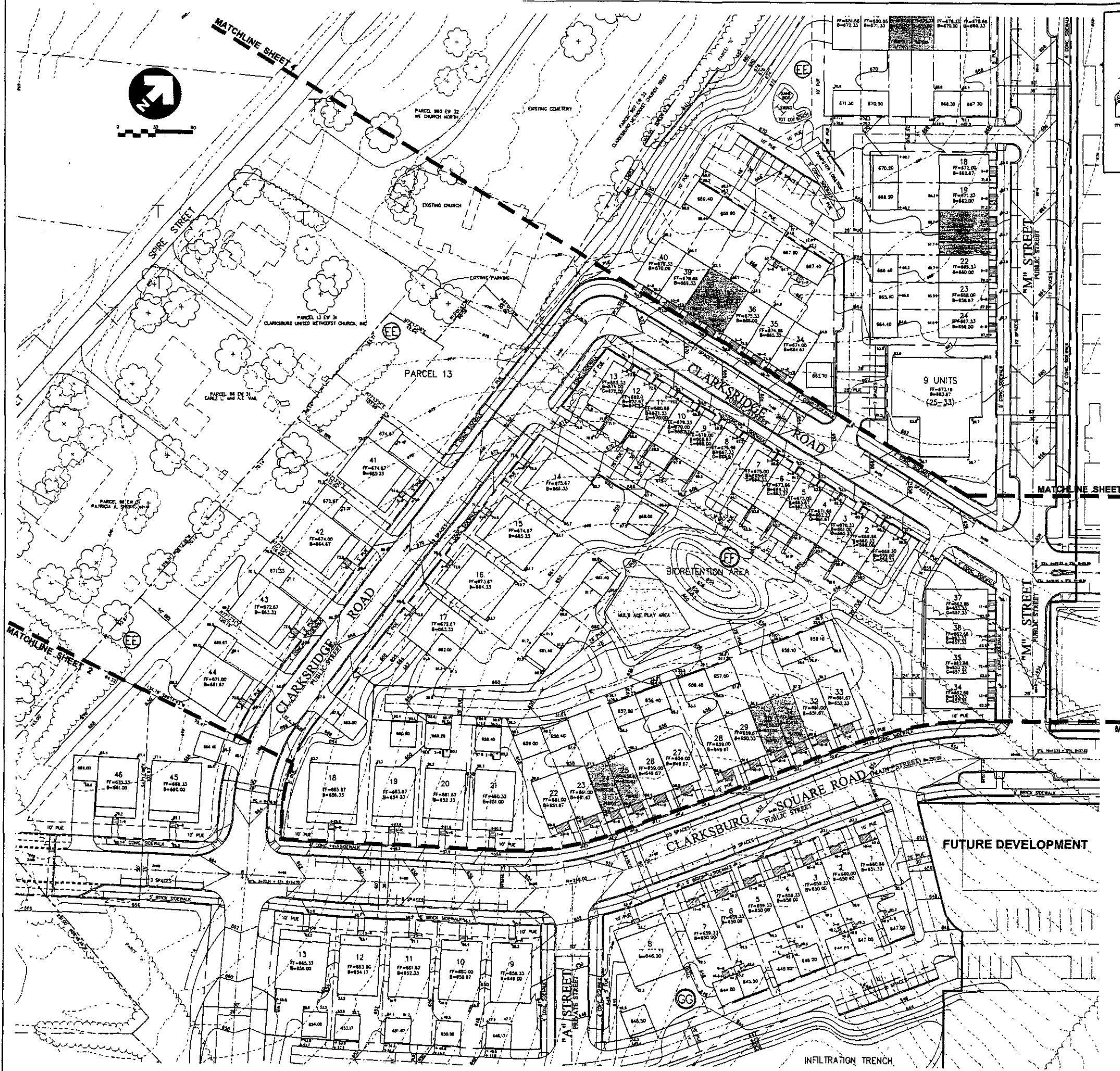
\*MPDU - MODERATELY PRICED DWELLING UNIT

**SITE DEVELOPMENT PLAN**  
**CLARKSBURG TOWN CENTER**  
**PHASE I-A**

**MK ENGINEERS, INC.**  
Land Planning Consultants  
2900 LINDEN LANE • SUITE 200  
SILVER SPRING, MARYLAND 20910  
TEL: 301.586.5696 FAX: 301.586.1433



DESIGN	DATE
DRAFT	DATE: 12/05/
APPROVED	JOB NO.
FILE NO.	00601ATER
SCALE	1"=30'
SHEET	2 5



**DEVELOPER'S CERTIFICATE**

THE UNDERSIGNED AGREES TO EXECUTE ALL THE FEATURES AND REQUIREMENTS OF THIS SITE PLAN IN ACCORDANCE WITH THE AGREEMENT BETWEEN THE MONTGOMERY COUNTY PLANNING BOARD AND THE UNDERSIGNED.

DATE: 6/16/11

Minimum Building per Section 89-C-10.3.1

Setbacks shown reflect a 50% reduction as previously approved by the Planning Board during Project Plan and Preliminary Plan for the Development.

- From on-lot residential zoning: 30'
- From residential zoning other than on-lot: 10'
- From any street: 0'

Minimum Lot Requirements for Residential Lots - modification per Section 89-C-10.3.1 of Zoning Ordinance

Lot Area	RD	TH's	Courtyard TH's	Multi-Family
4000 sqft	1120 sqft	550 sqft	5,260	
Lot width @ Street	25'	18'	20'	15'
Min. Lot Width @ Bldg line	40'	16'	20'	15'
Rear Yard	30'	30'	6'	15'
Side Yard	0'	0'	0'	10'
Min. space between End Bldgs.	NA	20'	20'	NA
Min. Height	35'	35'	35'	45'

\* Minimum separation between and under may be reduced to 0'

Residential Accessory Building/Lot Standards

- Coverage (Area, percentage of Lot): 50%
- Setback (From Lot): 5'
- From Front Street Line: 5'
- From Side/Rear Lot Line: 0'
- From Alley Line: 0'
- Setback (Corner Lot): 10'
- From Side Street (Where abutting Lot Front): 10'
- From Side Street (Where abutting Lot do not Front): 10'
- From Rear Lot Line: 0'
- Min. Height: 7'

\*MPDU - MODERATELY PRICED DWELLING UNIT

SITE DEVELOPMENT PLAN  
**CLARKSBURG TOWN CENTER  
PHASE I-A**

CLARKSBURG (2nd) ELECTION DISTRICT  
MONTGOMERY COUNTY, MARYLAND

DESIGN: DATE: 12/06/00

DRAFT: DATE: 12/06/00

APPROVED: JOB NO. 00601A-TER

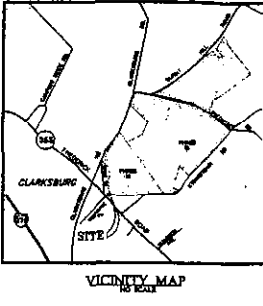
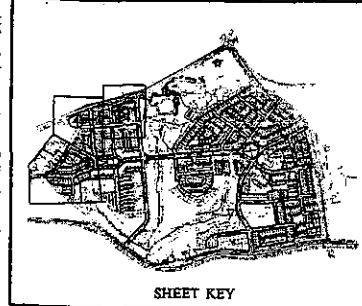
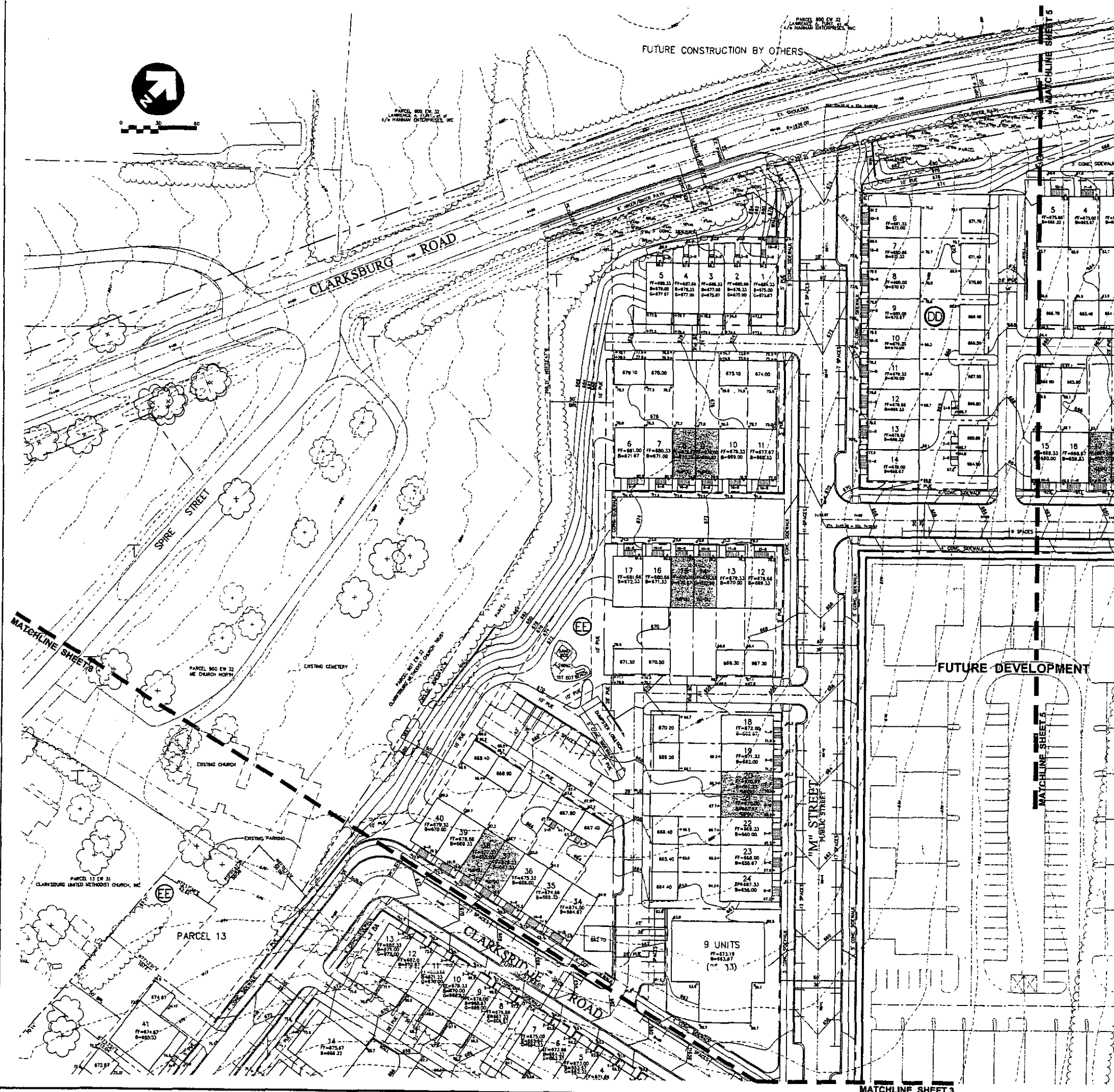
FILE NO. 00601A-TER

SCALE: 1"=30'

SHEET: 3 OF 5

**M/K ENGINEERS, INC.**  
LAND PLANNING CONSULTANTS  
2900 LINDEN LANE • SUITE 200  
SILVER SPRING, MARYLAND 20910  
TEL 301/588-5696 FAX 301/588-1433





**DEVELOPER'S CERTIFICATE**  
THE UNDERSIGNED AGREES TO EXECUTE ALL THE FEATURES AND REQUIREMENTS OF THIS SITE PLAN IN ACCORDANCE WITH THE AGREEMENT BETWEEN THE MONTGOMERY COUNTY PLANNING BOARD AND THE UNDERSIGNED.  
DATE: 6/24/11

Minimum Building per Section 28-C-16.3.8

Setbacks shown reflect a 50% reduction as previously approved by the Planning Board during Project Plan and Preliminary Plan for this Development

1. From one-family residential zoning	50'
2. From residential zoning other than one-family	15'
3. From any street	5'

Minimum Lot Requirements for Residential Low-density per Section 28-C-16.3.8 of Zoning Ordinance

Lot area	SFD	TRs	Courtyard TRs	Multi-Family
4,000 sq. ft.	1,120 sq. ft.	1,200 sq. ft.	8,320	
Front yard	5'	5'	5'	10'
Left side yard	5'	5'	5'	5'
Max. Lot front E&B; line	40'	15'	15'	72'
Rear Yard	30'	30'	5'	10'
Side Yard	0/6'	0'	0'	10/20'
Min. space between End Bldgs.	NA	30/14'	30/14'	NA
Max height	30'	30'	30'	45'

\* Mid-block separation between units may be reduced to 4'

Residential Accessory Buildings' Lot Standards

1. Coverage (Max. percentage of Lot)	50%
2. Setback (Inside Lot)	
From Front Street Line	50'
From Rear/Rear Lot Line	0'
From Alley Line	0'
Setback (Corner Lot)	
From Side Street (Where abutting Lot Front)	10'
From Side Street (Where abutting Lot Side)	10'
From Rear Lot Line	0'
Max. Height	25'

SITE DEVELOPMENT PLAN  
**CLARKSBURG TOWN CENTER  
PHASE I-A**

M/K ENGINEERS, INC.  
Lead Planning Consultants  
2900 LINDEN LANE, SUITE 200  
SILVER SPRING, MARYLAND 20910  
Tel. 301.688.5696 Fax. 301.688.1433

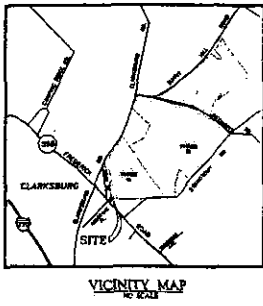
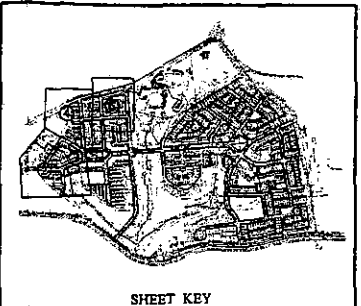
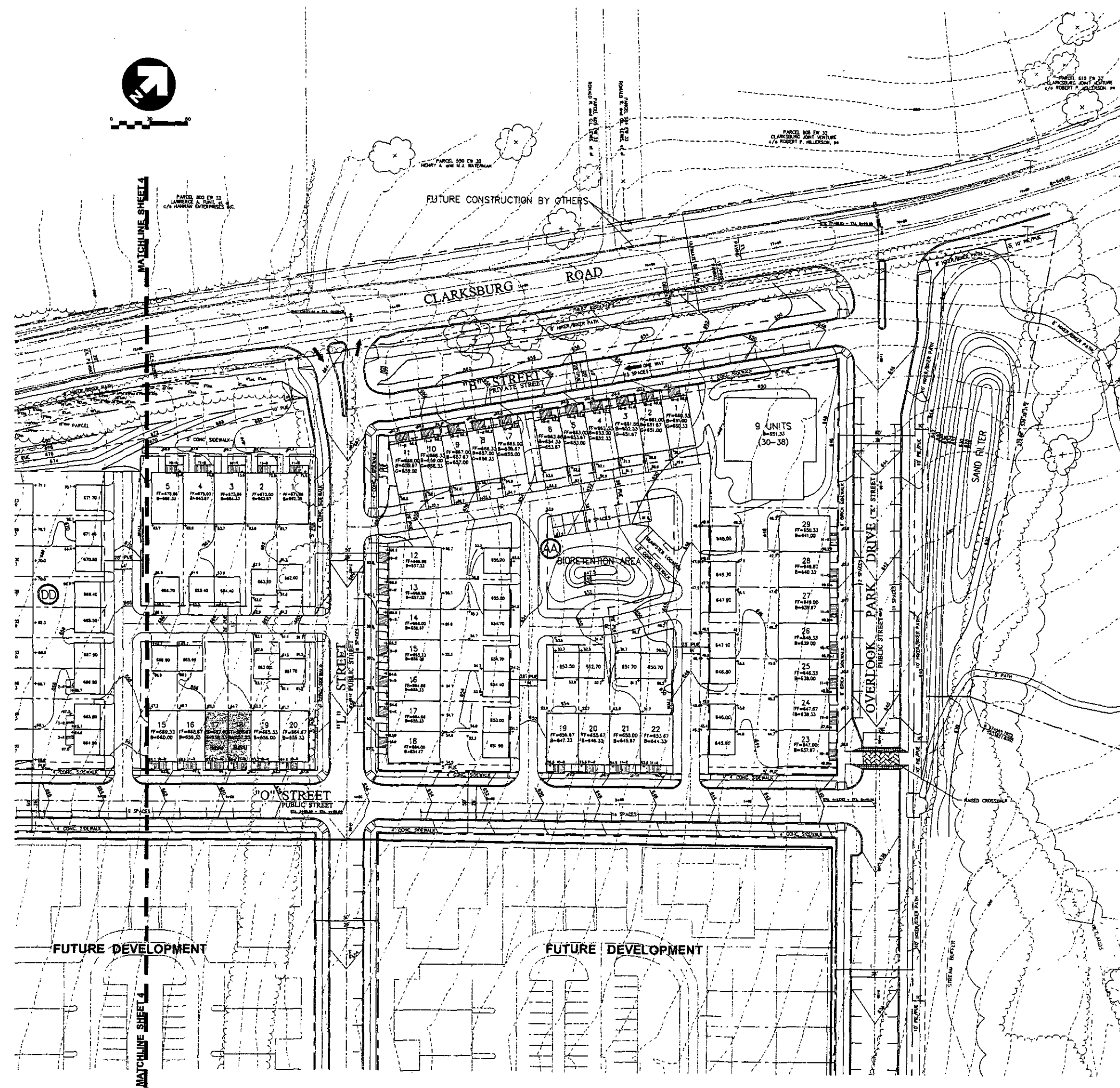
Professional Engineer Seal for M/K ENGINEERS, INC.

DESIGN	DATE:
DRAWN	DATE: 12/06
APPROVED	JOB NO.
FILE NO.	00601ATER
SCALE:	1" = 30'
SHEET	4 OF 5





MATCHLINE SHEET 4



**DEVELOPER'S CERTIFICATE**  
THE UNDERSIGNED AGREES TO EXECUTE ALL THE FEATURES AND REQUIREMENTS OF THIS SITE PLAN IN ACCORDANCE WITH THE AGREEMENT BETWEEN THE MONTGOMERY COUNTY PLANNING BOARD AND THE UNDERSIGNED.  
DATE: 6/14/01

Minimum Building per Section 19-C-18.3.3

Submittals shown reflect a 50% reduction as previously approved by the Planning Board during Project Plan and Preliminary Plan for this Development.

1. From one-family residential zoning: 50'  
2. From residential zoning other than one-family: 10'  
3. From any street: 0'

Minimum Lot Requirements for Residential Lots - modification per Section 19-C-18.3.3 of Zoning Ordinance

	2FD	TH's	Courtyard TH's	Multi-Family
Lot area	4000 sqft.	1120 sqft.	650 sqft.	8,200
Front yard	20'	10'	5'	10'
Lot width @ Street	30'	15'	20'	87'
Min. Lot Width @ Bldg. Line	40'	18'	20'	72'
Rear Yard	30'	10'	5'	10'
Side Yard	5'	0'	0'	10/20'
Min. space between Bldg. Footings	NA	20"	20"	NA
Max. Height	25'	35'	35'	45'

\* Minimum separation between and units may be reduced to 4'

Residential Accessory Buildings Lot Standards

1. Coverage Ratio, percentage of Lot	50%
2. Setback (Minimum Lot)	
From Front Street Line	50'
From Side/Rear Lot Line	10'
From Alley Line	0'
Setback (Corner Lot)	
From Side Street (Where abutting Lots Front)	10'
From Side Street (Where abutting Lots do not Front)	10'
From Rear Lot Line	0'
Max. Height	25'

MPDU - MODERATELY PRICED DWELLING UNIT

SITE DEVELOPMENT PLAN  
**CLARKSBURG TOWN CENTER  
PHASE I-A**

CLARKSBURG (2nd) ELECTION DISTRICT  
MONTGOMERY COUNTY, MARYLAND



DESIGN	DATE
DATE	12/05/01
APPROVED	JOB NO.
FILE NO.	00601A1ER
SCALE	1"=30'
SHEET	5

**M/K ENGINEERS, INC.**  
Land Planning Consultants  
2900 LINDEN LANE • SUITE 200  
SILVER SPRING, MARYLAND 20910  
Tel. 301.588.5696 Fax. 301.588.1433

8-98001C CLARKSBURG TOWN CENTER-PHASE IA  
PART ONE

Received

Zone: RMX-2

18 units, 23.82 acres

10:30am

Terrabrook Development Co.  
MLK Engineers, Inc.

- Applicant  
- Engineer

COMMITTEE COMMENTS:

1. EPD – no comments
2. DPS – approved as submitted; see approved FWQP letter dated 1/15/98
3. DPS – (Permitting and Plan Review Section) - Provide a median on Clarksburg Road at L Street and modify right turn channelization (median to be constructed in coordination with Clarksburg Ridge development on north side of Clarksburg Road); Add a raised crosswalk on M Street at "O" Street; Modify chokers, curb return radii, and as shown on marked-up plan; Will need waiver from MNCPPC at plan review for angle less than 70 degrees at Clarksridge Road and Street "M"; for horizontal alignment on Clarksridge Road; and for no truncation at corner properties; Modify intersection design at Clarksridge Road and Street "M"; No Parking will be allowed on Clarksburg Square Road west of Clarksridge Road, other parking spaces shown may be modified as necessary for sight distance and traffic flow
4. MCDPW&T – no comments
5. WSSC – no comments
6. MDSHA – no comments
7. TPD – no comments
8. PEPCO/VERIZON/Washington Gas – cleared 10 foot PUE parallel and contiguous to all public right-of-ways
9. DPS – (Well & Septic) – no comments
10. DRD – (Site Plan Reviewer) – Provide Rec guidelines comparison for Phase 1A 1 only; Show detail on play equipment, benches needed (type, manufacturer design) all locations; Improve Garages behind Lots 14-19 – too many in a row w/o a break; More detail for rear loaded parking garages paving – break asphalt drives with conc pads to garages at least; Show Parking Tabulations for 1-A-1 only, not 1A-2; Show fence around dumpster; Show ped circulation around the 9-unit corner houses; Include evergreens in long unit strings' foundation planting; What is VRW – shrub??; Include landscaping in SWM facility on sheet L-4; Raised Crosswalk on Overlook Park Drive; Court behind TH's on OP dr, Sts I and B needs tot lot and sitting area; 4 units on St M @ central grre – how access lots w/vehicles?; TH's S side of Clarksridge Road – conc apron in back; Play area behind area noted above (#14), earlier plan included sandbox, swings and 2+ benches; 2 streets are labeled "B" street; Crosswalk on Clarksridge Road??; Acer saccharinum (SP??) Sugar Maple –not tolerant of road salts
11. CBP – no comments
12. Parks Department – see written notes at preliminary plan
13. DEP – categories W-1/3 and S-3; see written comments
14. MCFRS – Standard Requirements (hand-out)

15. **Historic Preservation** – This project involves the Master Plan Clarksburg Historic District #13/10; issues about transition and buffering to the historic district are under discussion

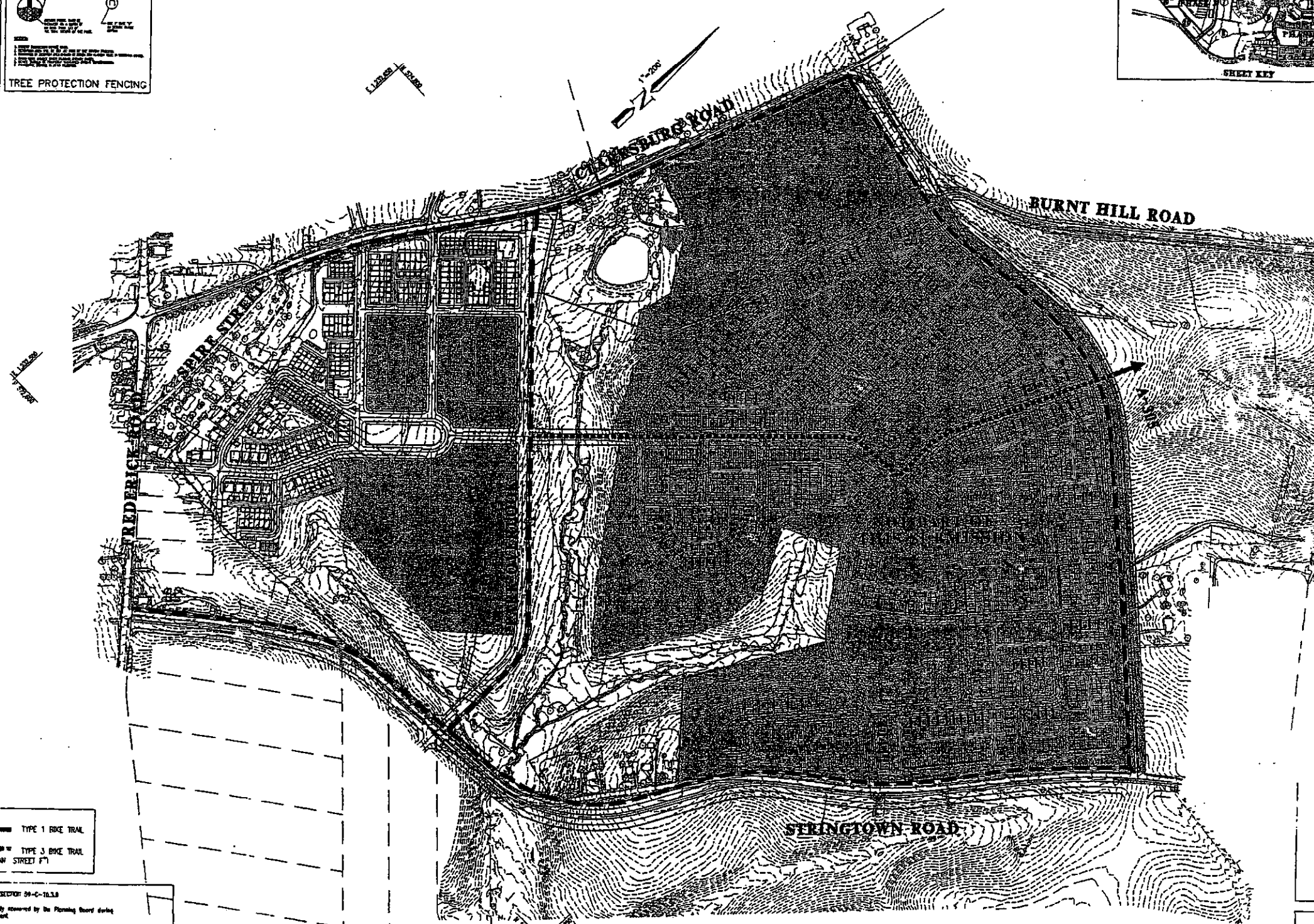
8-01034	<b>GATEWAY 270 CORPORATE PARK, LOT 7</b>	<b>Received</b>
Zone: I-3		
4.4882 acres		<b>11:10am</b>
	<b>American Health Assistance, LLC</b>	<b>- Applicant</b>
	<b>Macris, Hendricks &amp; Glascock, PA</b>	<b>- Engineer</b>

**COMMITTEE COMMENTS:**

1. **EPD** – plan is complete; approval with conditions
2. **DPS** – Approved as submitted; see FWQP letter of 7/6/01
3. **MCDPW&T** – no comments
4. **WSSC** – water and sewer available; pay service connections and applicable fees and charges; submit on-site plan for water lines greater than 2-inches or sewer lines greater than 4-inches; hydraulic information required; pay system development charge (SDC) fee
5. **MDSHA** – no comments
6. **TPD** – no comments
7. **PEPCO/VERIZON/Washington Gas** – cleared 10 foot PUE parallel and contiguous to all public right-of-ways
8. **DPS** – (Well & Septic) – no comments
9. **DRD** – (Site Plan Reviewer) – Amenity of the site is the woods; Transit issues: Flextime to be used in summer; Part-time workers with varied schedules; Forest conservation: Maintain dimensions of tree-save area; Maintain drainage flow from offsite thru the wooded area; I-3 amenity: Sitting area / picnic; Enhance greatly the walk in from the street along the driveway; Provide for extension of drive to rear lot; relocate SWM and parking to SE; Narrow the driveway by 3' to 22'; take paving off the inside of the curve, make dropoff deeper; Relocate amenity area to west corner to take advantage of the woods and so entrance walk along driveway can intersect it. Make the notched building corner "frame" this worker amenity space; Streetscape the drive with street trees and sidewalk away from curb; Fully landscape fill slope below driveway (and its possible extension to the south); Raise south corner of parking to lessen impact of cut slope along SE parking lot edge; Eliminate loops on SW end of parking, replace with relocated row of spaces from SE edge of parking; Place parking light poles in islands, not in pavement; Replace sugar maple; Widen crosswalk; consider moving the continuous island and its crosswalk one bay NW; Provide landscape treatment for the embankment along the street; Screen loading, dumpsters and transformers with a wall compatible with the building form and materials; Consider cleaning out the wooded area between the drive and the building as a wooded, park-like setting for the building
10. **CBP** – no comments
11. **Parks Department** – no comments
12. **DEP** – categories W-1 and S-1; see written comments
13. **MCFRS** – Standard Requirements (hand-out)



**CPI Associates**  
Charles P. Johnson & Associates, Inc.  
Fluents, Engineers - WATERW. RESOURCES - WASTEWATER  
101 EUTAW RD. SUITE 300 SCOTTSBY, VA 22450  
Phone (703) 41-1000 E-mail: cpi@att.net Fax: (703) 41-1000  
FREDERICK, MD PMB. 33, VA



MINIMUM BUILDING STANDARDS per SECTION 20-0-103.8				
Setbacks shown reflect a 50% reduction as previously shown by the Planning Board during Project Plan and Preliminary Plan for this Development.				
1. From front-facing residential zoning	50'			
2. From residential zoning other than one-family	15'			
3. From any street				
Minimum Lot Requirements for Residential Lots - modification per Section 20-0-103.8 of Zoning Ordinance				
Lot Area	SFD	T1's	Converted T1's	Multi-Family
Front Yard	40'0" min	1120' min	850' min	100' min
Lot Width or Street	25'	16'	20'	10'
Min. Lot Width or Map. Use	40'	16'	20'	10'
Back Yard	45' MIN	45' MIN	45' MIN	45' MIN
Side Yard	5'	6'	6'	10'/20'
Min. space between End Bldgs.	5'	6'	6'	10'
1. Lot-Block separation between lots & is to be reduced to 4'.				
Residential Accessory Buildings/Lot Standards				
1. Coverage (Max. percentage of lot)	50%			
2. Setbacks (From Lot)				
From Front Street Line	60'			
From Side/Rear Lot Line	0'			
From Alley Line	0'			
Setbacks (Corner Lot)				
From Side Street (where adjoining lot is front)	10'			
From Side Street (where other lot is side or rear front)	10'			
From Rear Lot Line	0'			
Max. Height	9'			

[illegible]

GENERAL NOTES

Green Site (near City of Phoenix)	270.16 Ac.	See Map EV	Proposed # Lots	
Existing	79.45 A-	Phase I-III (1977)		
Area within Roadbeds	Adm-2	Provisional Plan #1-65042	SFD	20
Area within Wetlands	7,352 sqft or 0.17 Ac.	HS/THD 44-04162	Nonresidential	124
Area within Stream Valley Buffer	1,004 sqft or 0.02 Ac.	Water/Sewer easement	Multi-family	26
	58,171 sqft or 1.33 Ac.	Proposed Water/Sewer Service - Public	Total	170 (including 23 HP/HA)
Area to be Dedicated ROW (not-sure for Clarkston Rd.)	16,432 sqft or 0.38 Ac.	Boundary/Topography by Laidman Associates, Inc. Site location within Little Greenway Wetlands MP/HA - 23 units (13.82 total Phase I-III)	Parking Calculations	
			Parking Required (Day/149 min)	540 sp
			Parking Provided	
			On street parking	240 sp
			Campus/Spacem	218 sp
			Total	458 sp
		Midtown Green Area required (SOS)	14.23 Ac.	
		Proposed Green Area	17.00 Ac.	

THIS PLAN SHOULD NOT BE USED AS A LEGAL DOCUMENT FOR REPRESENTATION OF BEARINGS, DISTANCES, LOT SQUARE FOOTAGES AND EASEMENTS. FOR REQUIRED INFORMATION, PLEASE SEE REQUIRED PLATS OR APPLICABLE RECORDED DOCUMENTS.

1. ESCAPE ARCHITECT  
...STY CERTIFY THE  
SHAWN HERRON F 20  
FILE AVAILABLE : 2.  
4/28/00  
DATE

SURVEYOR'S OFFICE  
1 HERBERT CECILY  
SPRING HIDE  
AVAILABLE DEEDS  
4/28/1968  
DATE

DEVELOPER'S NAME/TEL. NO.

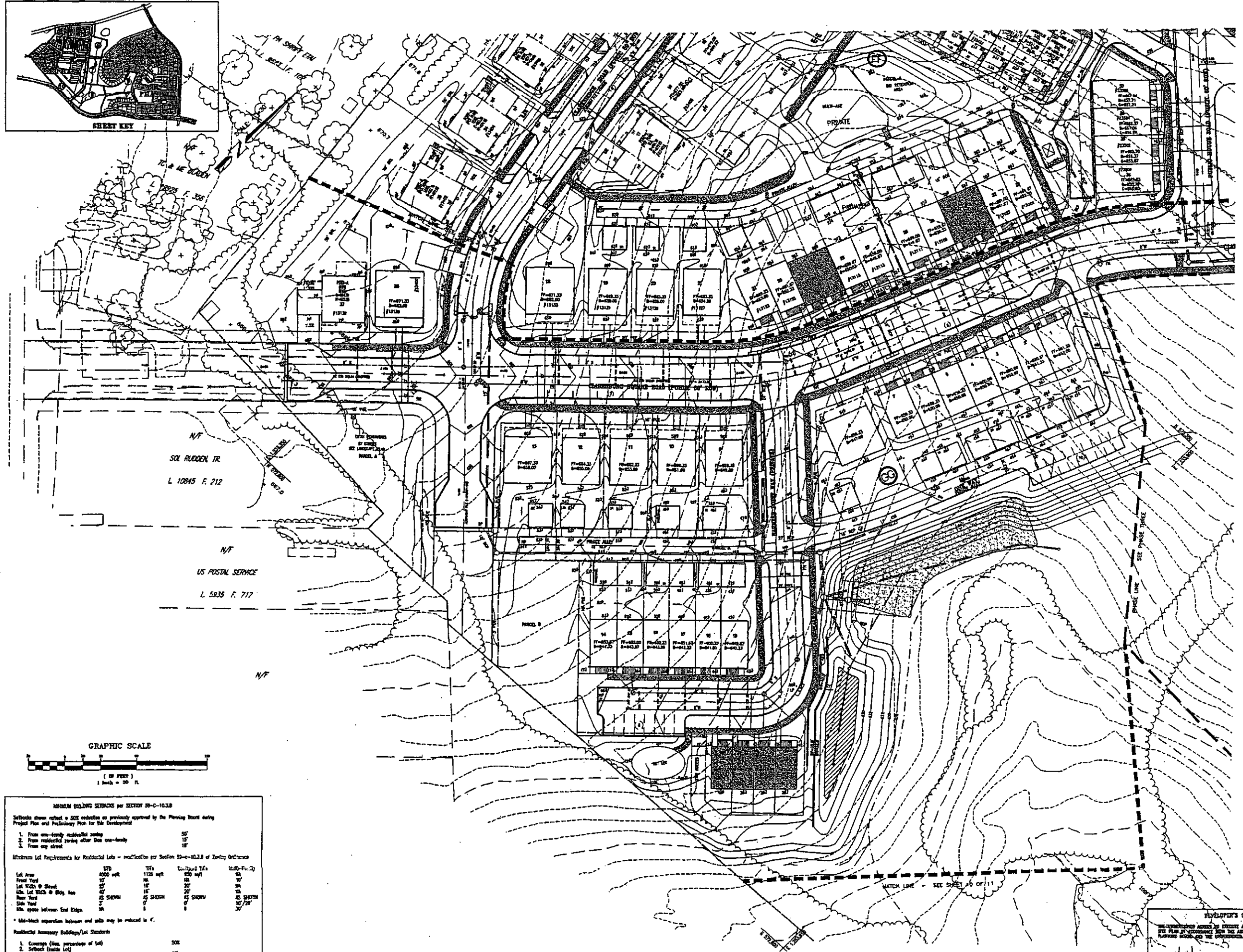
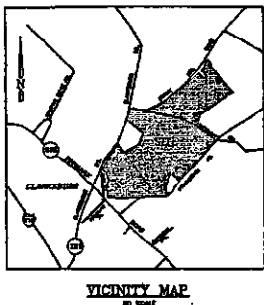
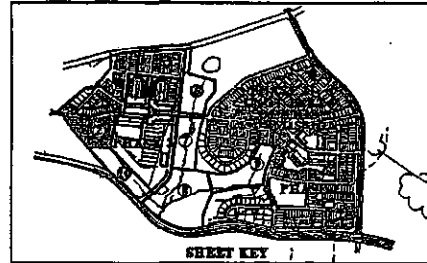
**CLARK TOWN CENTRAL**

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Slan Set

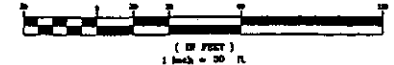
**SP #8-98001C**

No Scale!





GRAPHIC SCALE



MINIMUM BUILDING SETBACKS per SECTION 22-C-10.3.8

Setbacks shown reflect a 50% reduction as previously approved by the Planning Board during Project Plan and Preliminary Plan for this Development

1. From one-family residential zoning	50'
2. From residential zoning other than one-family	15'
3. From any street	10'

Minimum Lot Requirements for Residential Lots - modification per Section 22-C-10.3.8 of Zoning Ordinance

Lot Area	STB	Tot	Unimproved Tot	Unimproved Tot
Front Yard	4000 sqft	1120 sqft	850 sqft	850 sqft
Lot Width @ Street	10'	10'	10'	10'
Adj. Lot Width @ Bldg. Line	10'	10'	10'	10'
Rear Yard	4000 sqft	1120 sqft	850 sqft	850 sqft
Side Yard	10'	10'	10'	10'
Min. space between End Eddgs.	10'	10'	10'	10'

\* Mid-block separation between end lots may be reduced to 5'.

Residential Accessory Buildings/Lot Standards

1. Coverage (Max. percentage of Lot)	50%
2. Setback (Inside Lot)	10'
From Front Street Line	10'
From Side/Back Lot Line	10'
From Rear Street Line	10'
Setback (Corner Lot)	10'
From Side Street (where existing Lots do not Front)	10'
From Side Street (where existing Lots do not Front)	10'
From Rear Lot Line	10'

THIS PLAN SHOULD NOT BE USED AS A LEGAL DOCUMENT FOR REPRESENTATION OF BEARINGS, DISTANCES, LOT SQUARE FOOTAGES AND EASEMENTS. FOR RECORDED INFORMATION, PLEASE SEE RECORD PLATS OR APPLICABLE RECORDS IN THE OFFICE.

COPY OF APPROVED SITE PLAN  
CONTAINING MINOR REVISIONS  
APPROVED BY STAFF AS SHOWN  
ON 11/11/2011  
APPROVED BY STAFF AS SHOWN  
ON 11/11/2011  
APPROVED BY STAFF AS SHOWN  
ON 11/11/2011

Charles P. Johnson & Associates, Inc.  
PLANNING - ENGINEERING - ARCHITECTURE - INTERIOR DESIGN  
1100 W. WISCONSIN AVE. SUITE 200  
BETHESDA, MD 20814  
TEL: 301.279.1100  
FAX: 301.279.1101  
WWW.CPJASOCIATES.COM

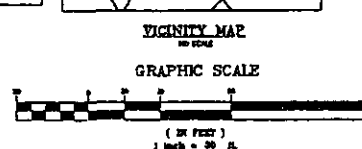
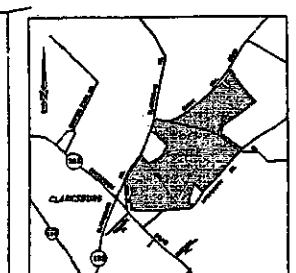
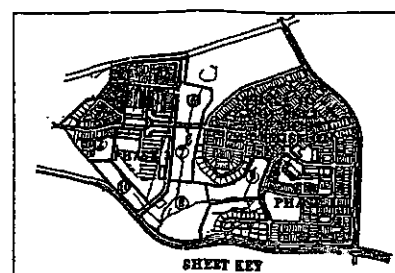
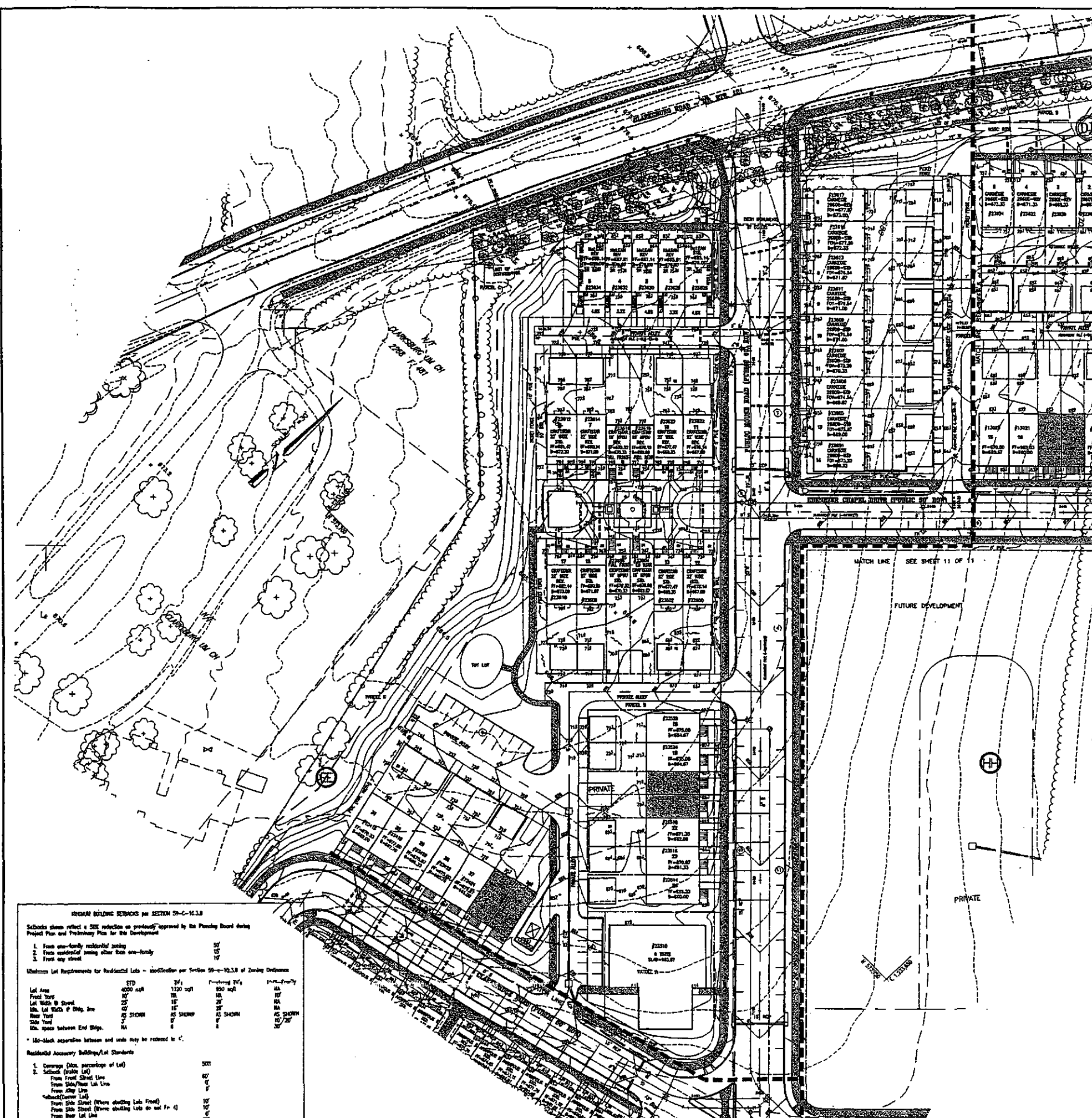
PHASE I A  
SITE DEVELOPMENT PLAN  
CLARKSBURG TOWN CENTER  
CLARKSBURG (2nd) ELECTION DISTRICT  
MONTGOMERY COUNTY, MARYLAND

SP #8-98001C

DATE	BY	APP'D	DATE	BY	APP'D
11/11/2011	John P. Johnson	John P. Johnson	11/11/2011	John P. Johnson	John P. Johnson
11/11/2011	John P. Johnson	John P. Johnson	11/11/2011	John P. Johnson	John P. Johnson
11/11/2011	John P. Johnson	John P. Johnson	11/11/2011	John P. Johnson	John P. Johnson







THIS PLAN SHOULD NOT BE USED AS A LEGAL DOCUMENT FOR REPRESENTATION OF DEPENDENCIES, LOT SHARED EASEMENTS AND EASEMENTS. FOR RECORD INFORMATION, PLEASE SEE RECORD PLANS OR APPLICABLE RECORDED DOCUMENTS.

COPY OF APPROVED SITE PLAN  
CONTAINING MAPS AS SHOWN  
ON SHEET 11 OF 11  
MONTGOMERY COUNTY RECORDS  
BOOK 11, PAGE 11

Charles P. Johnson & Associates, Inc.  
PLANNERS - ENGINEERS - LANDSCAPE ARCHITECTS - SURVEYORS  
1100 CLARKSBURG ROAD, SUITE 100  
CLARKSBURG, MARYLAND 20841  
PHONE: 410-326-1100  
FAX: 410-326-1101

PHASE I/A  
SITE DEVELOPMENT PLAN  
CLARKSBURG TOWN CENTER  
CLARKSBURG (2ND) ELECTION DISTRICT  
MONTGOMERY COUNTY, MARYLAND

SP #8-98001C

**MINIMUM BUILDING SETBACKS per SECTION 59-C-10.3.8**

Setbacks shown reflect a 50% reduction on previously approved by the Planning Board during Project Plan and Preliminary Plan for this Development.

1. From one-family residential zoning	50'
2. From residential zoning other than one-family	40'
3. From any street	10'

**Minimum Lot Requirements for Residential Lots - modification per Section 59-C-10.3.8 of Zoning Ordinance**

Lot Area	STD	TH's	TH's	TH's
4000 sqft	1200 sqft	1200 sqft	1200 sqft	1200 sqft
Front Yard	10'	10'	10'	10'
Lot Width @ Street	25'	25'	25'	25'
Min. Lot Width P. Blvd. Ave	40'	40'	40'	40'
Rear Yard	AS SHOWN	AS SHOWN	AS SHOWN	AS SHOWN
Side Yard	5'	5'	5'	5'
Min. space between End Blots.	NA	NA	NA	NA

\* 10'-block separation between and units may be reduced to 4'.

**Residential Accessory Buildings/Lot Standards**

1. Coverage (Max. percentage of Lot)	50%
2. Setback (Double Lot)	10'
From Front Street Line	10'
From Side/Back Lot Line	5'
From Alley Line	5'
Backset (Corner Lot)	10'
From Side Street (Where double lot front)	10'
From Side Street (Where double lot do not fr. d)	10'
From Rear Lot Line	5'

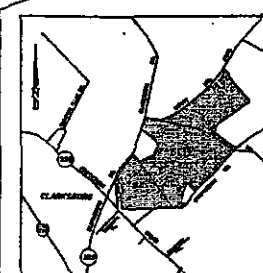
**DEVELOPER'S CERTIFICATE**

THE UNDERSIGNED AGREES TO SECURE ALL THE "TIES" AND REDEMPTIONS OF THIS SITE PLAN IN ACCORDANCE WITH THE AGREEMENT, WITH MONTGOMERY COUNTY PLANNING BOARD AND THE DEVELOPER.

Dated: 11/11/11  
By: [Signature]  
For: [Signature]  
DEVELOPER'S NAME/COMPANY NAME/ADDRESS: [Signature]  
DATE OF CONTRACT: 11/11/11

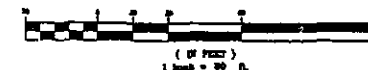
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49	11/11/11	11/11/11
50	11/11/11	11/11/11

THIS PLAN SHOULD NOT BE USED AS A LEGAL DOCUMENT FOR REPRESENTATION OF BEARINGS, DISTANCES, LOT SQUARE FOOTAGES AND EASEMENTS FOR RECORDED INFORMATION. PLEASE SEE RECORDED PLATS OR APPLICABLE RECORDED DOCUMENTS.



### VICINITY MAP

**GRAPHIC SCALE**



**CPI** Charles F. Johnson & Associates, Inc.  
PLANNERS • DESIGNERS • LANDSCAPE ARCHITECTS • SURVEYORS  
10000 WILSON ROAD SUITE 200 BETHESDA, MARYLAND 20814  
Phone: 301-291-7000 Fax: 301-291-7001

COPY OF APPROVED SITE PLAN  
 CONTAINING MINOR REVISIONS  
 REQUIRED BY STATE AS SHOWN  
 FILE NO. 410010  
 IN HAZARDOUS WASTE PLANNING DEPARTMENT  
 1.0001 11/10/01

PHASE 1A  
SITE DEVELOPMENT PLAN  
CLARKSBURG TOWN CENTER  
CLARKSBURG (2nd) ELECTION DISTRICT  
MONTGOMERY COUNTY, MARYLAND

SP #8-98001C

11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100										
101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120	121	122	123	124	125	126	127	128	129	130	131	132	133	134	135	136	137	138	139	140	141	142	143	144	145	146	147	148	149	150	151	152	153	154	155	156	157	158	159	160	161	162	163	164	165	166	167	168	169	170	171	172	173	174	175	176	177	178	179	180	181	182	183	184	185	186	187	188	189	190	191	192	193	194	195	196	197	198	199	200

**DEVELOPER'S CERTIFICATE**

I, THE UNDERSIGNED AGREE TO GUARANTEE ALL THE FEATURES AND RECOMMENDATIONS OF THIS SITE PLAN IN ACCORDANCE WITH THE AGREEMENT BETWEEN MONTGOMERY COUNTY PLANNING BOARD AND THE UNDERSIGNED.

DATE: 4/16/73 BY: [Signature]  
Richard L. Clark, Jr., Vice President  
Arlington Land & Utility Company  
One Western Branch Road, Bethesda, Md.  
DEVELOPER'S NAME, COMPANY NAME, ADDRESS, DATE, NAME OF CERTIFICATY PP-10C



**MINIMUM BUILDING SETBACKS PER SECTION 88-C-10.3.8**

Setbacks shown reflect a 50% reduction as previously approved by the Planning Board during Project Plan and Preliminary Plan for Site Development.

- From one-family residential zoning: 50'
- From residential zoning other than one-family: 10'
- From any street: 10'

**Minimum Lot Requirements for Residential Lots - modification per Section 88-C-10.3.8 of Zoning Ordinance**

Lot Area	SFD	T2's	Condominium T2's	Multi-Family
Front Yard	4000 sqft	1120 sqft	800 sqft	10'
Lot Width @ Street	30'	18'	18'	10'
Min. Lot Width @ Side, Rwy	40'	18'	18'	10'
Rear Yard	AS SHOWN	AS SHOWN	AS SHOWN	AS SHOWN
Side Yard	10'	10'	10'	10'/20'
Min. space between Lot Bldgs.	10'	10'	10'	10'

\* No-block separation between and with may be reduced to 4'.

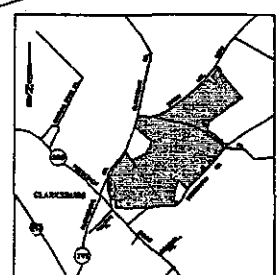
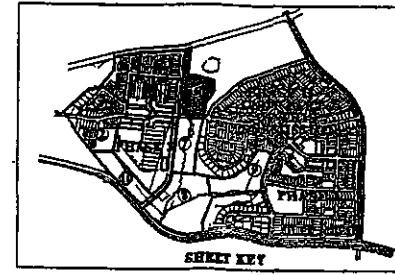
**Residential Accessory Buildings/Lot Standards**

- Coverage (Max. percentage of lot): 50%
- Setback (Min. Lot):
  - From Front Street Line: 10'
  - From Side/Rear Lot Line: 5'
  - From Alley Line: 5'
- Setback (Center Lot):
  - From Side Street (Where abutting lot's front): 10'
  - From Side Street (Where abutting into lot's front): 10'
  - From Rear Lot Line: 10'
- Max. Height: 20'

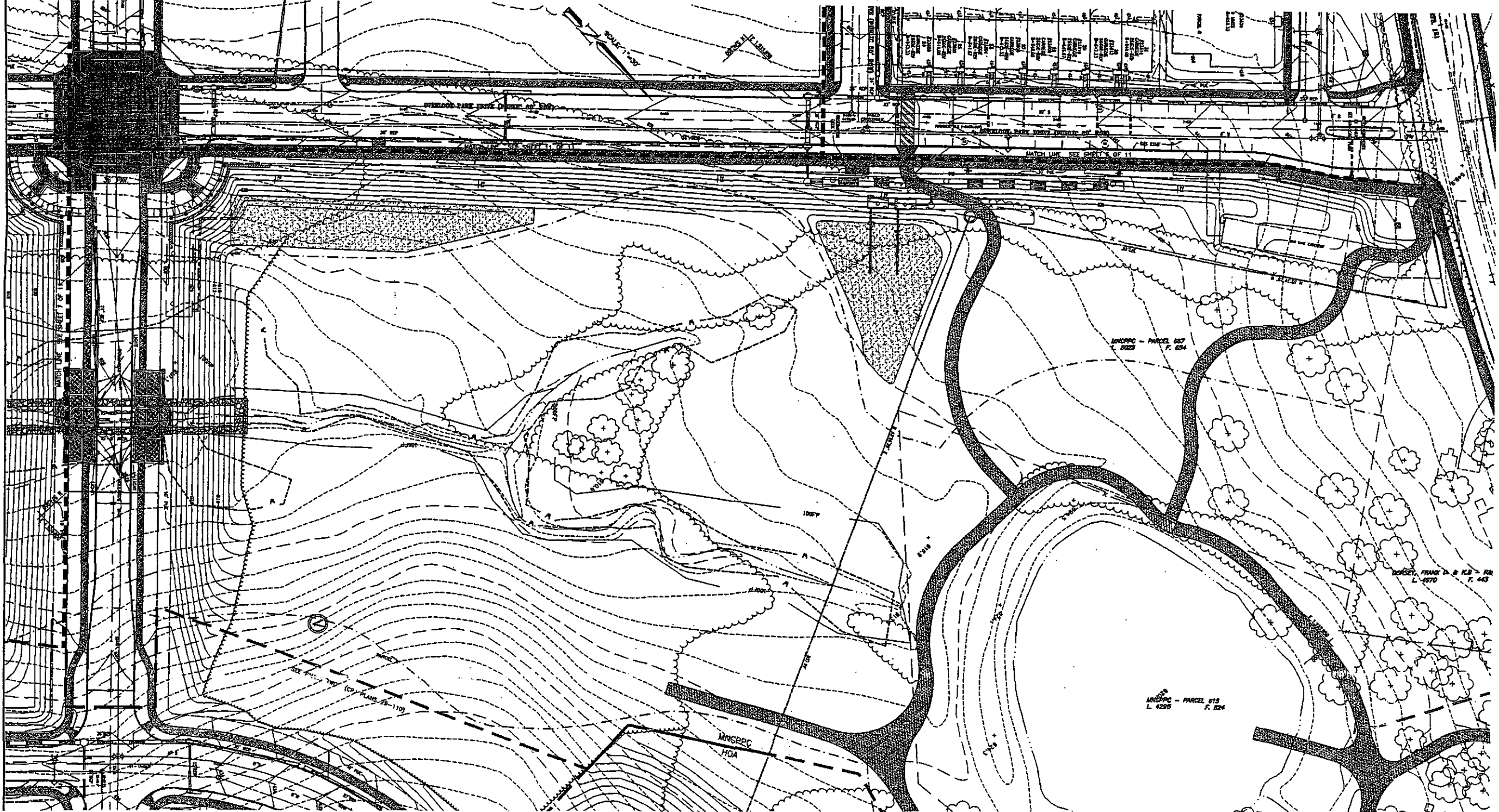
**DEVELOPER'S CERTIFICATE**

THE UNDERSIGNED CERTIFIES THAT ALL THE FEATURES AND REQUIREMENTS OF THIS SITE PLAN IN ACCORDANCE WITH THE AGREEMENT BETWEEN MONTGOMERY COUNTY PLANNING BOARD AND THE UNDERSIGNED.

DATE: 4/28/05 James P. Jones  
James P. Jones  
James P. Jones  
 DEVELOPER'S REPRESENTATIVE (NAME, ADDRESS, PHONE NO.)  
James P. Jones  
 PROJECT NAME: CLARKSBURG TOWN CENTER



THIS PLAN SHOULD NOT BE USED AS A LEGAL DOCUMENT FOR REPRESENTATION OF DEVIATIONS, DISTANCES, LOT SQUARE FOOTAGES AND DIMENSIONS. FOR REQUIRED INFORMATION, PLEASE SEE RECORD PLANS OR APPLICABLE RECORDED DOCUMENTS.



**CPJ Associates**  
 Charles P. Johnson & Associates, Inc.  
 PLANNERS - ARCHITECTS - LANDSCAPE ARCHITECTS - CIVIL ENGINEERS  
 10000 WOODBURN ROAD, SUITE 200, CLARKSBURG, MARYLAND 20841  
 PHONE: 301-271-1111 FAX: 301-271-1112

**PHASE IIA SITE DEVELOPMENT PLAN**  
**CLARKSBURG TOWN CENTER**  
 CLARKSBURG (2nd) ELECTION DISTRICT  
 MONTGOMERY COUNTY, MARYLAND

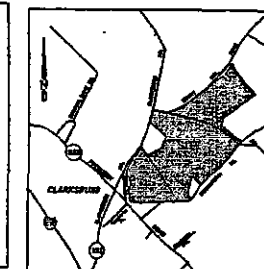
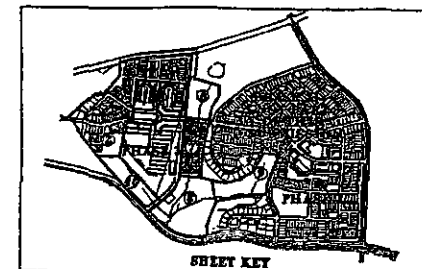
**DATE:** 4/28/05  
**BY:** James P. Jones  
**FOR:** MONTGOMERY COUNTY PLANNING BOARD

**NOTES:**  
 1. THIS PLAN IS A PRELIMINARY PLAN AND IS NOT TO BE USED FOR CONSTRUCTION.  
 2. ALL DIMENSIONS ARE IN FEET UNLESS OTHERWISE NOTED.  
 3. THE PLANNING BOARD HAS REVIEWED THIS PLAN AND HAS APPROVED IT FOR RECORDATION.  
 4. THE PLANNING BOARD HAS REVIEWED THIS PLAN AND HAS APPROVED IT FOR RECORDATION.

DEVELOPER'S CERTIFICATE

THE UNDERSIGNED HEREBY IN WITNESS OF THE EXISTENCE AND BOUNDARIES OF THIS EASED PLANT IN ACCORDANCE WITH THE AGREEMENT BETWEEN HUNTERDON COUNTY PLANNING BOARD AND THE UNDERSIGNED.

NO. 11405 BY John J. Graves  
John J. Graves, Clerk of the Board  
of the Planning Board of Hunterdon County  
of the Planning Board of Hunterdon County  
of the Planning Board of Hunterdon County  
DEVELOPER'S NAME, ADDRESS, PHONE NO., NAME OF CONTRACTOR FIRM  
John J. Graves  
PRINTED NAME



VICINITY MAP

GRAPHIC SCALE

( IN FEET )  
1 inch = 60 ft.

**CPI**  
Associates

Charles F. Johnson & Associates, Inc.  
FLAVERS • FRAGRANCES • JARRED/AVANTURES • SUPPLIES  
PO BOX 2000 2000 W. 5TH STREET, SUITE 2000  
Palm Beach, FL 33480-2000 Phone: 561-833-1111 Fax: 561-833-1111  
E-mail: [info@cpi-usa.com](mailto:info@cpi-usa.com) [www.cpi-usa.com](http://www.cpi-usa.com)

COPIES OF APPROVED SITE PLAN  
CONTAINING MINOR REVISIONS  
NOTED BY STAFF AS SHOWN  
48 MAY 20 2 50 PM '68  
COUNTY PLANNING DEPARTMENT  
1101 LAYTON

PHASE 1A  
SITE DEVELOPMENT PLAN  
CLARKSBURG TOWN CENTER  
CLARKSBURG (2nd) ELECTION DISTRICT  
MONTGOMERY COUNTY, MARYLAND

customer  
TERMINATOR CLASSIFYING THE  
JOHN FREDERICK REAG  
CLASSIFICATION, 1987/1/20, 1986/1/20





**MINIMUM SETBACKS PER SECTION 25-C-10.3.3**

Setbacks shown reflect a 50% reduction as previously approved by the Planning Board during Project Plan and Preliminary Plan for this Development.

- From one-family residential zoning: 50'
- From multi-family zoning other than one-family: 15'
- From any other: 15'

**Minimum Lot Requirements for Subdivided Lots - modification per Section 25-C-10.3.3 of Zoning Ordinance**

Lot Area	SFD	T1's	Overlaid T1's	Multi-Family
Front Yard	4000 sqft	1120 sqft	850 sqft	NA
Lot Width @ Street	12'	NA	NA	10'
Min. Lot Width @ Bldg. Line	25'	14'	10'	NA
Rear Yard	AS SHOWN	AS SHOWN	AS SHOWN	AS SHOWN
Side Yard	5'	6'	6'	10'/20'
Min. space between End Bldgs.	NA	0'	0'	30'

\* 10'-Block separation between end units may be reduced to 4'.

**Subdivided Accessory Outbuildings/Lot Standards**

- Coverage (Max. percentage of Lot): 50%
- Setback (Minimum Lot):
  - From Front Street Line: 10'
  - From Side/Rear Lot Line: 5'
  - From Rear Lot Line: 5'
- Setback (Corner Lot):
  - From Side Street (where existing lots front): 10'
  - From Side Street (where existing lots do not front): 10'
  - From Rear Lot Line: 10'
- Max. Height: 27'

**DEVELOPER'S CERTIFICATE**

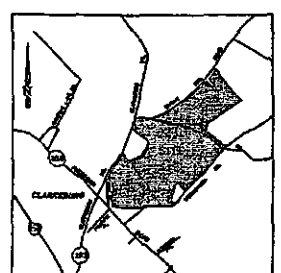
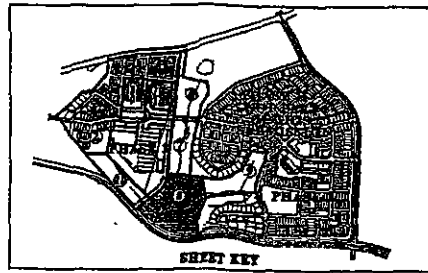
I, the undersigned, hereby certify that the features and improvements of this site plan are in accordance with the amendments to the Zoning Ordinance of Montgomery County and the Ordinance.

WITH: Alfred J. ... Dean J. ...

By: Charles F. Johnson & Associates, Inc.

DEVELOPER'S SIGNATURE (Must be signed by the owner or authorized representative)

PRINTED NAME: Charles F. Johnson & Associates, Inc.



THIS PLAN SHOULD NOT BE USED AS A LEGAL DOCUMENT FOR REPRESENTATION OF BOUNDARIES, DISTANCES, LOT SQUARE FOOTAGES AND EXISTENCES. FOR RECORD INFORMATION, PLEASE SEE RECORD PLANS OR APPLICABLE RECORD DOCUMENTS.

COPY OF APPROVED SITE PLAN  
DISTRIBUTION AND RECORDS  
APPROVED BY: CL 1551 C  
APPROVED DATE: 11/15/2011  
APPROVED BY: Montgomery County Planning Board  
APPROVED DATE: 11/15/2011  
APPROVED BY: Montgomery County Planning Board  
APPROVED DATE: 11/15/2011

**PHASE 1A**

**SITE DEVELOPMENT PLAN**

**CLARKSBURG TOWN CENTER**

**CLARKSBURG (2nd) ELECTION DISTRICT**

**MONTGOMERY COUNTY, MARYLAND**

**CPJ**

**Charles F. Johnson & Associates, Inc.**

PLANNING ARCHITECTS - ENGINEERS  
10000 WOODBURN ROAD SUITE 200  
CLARKSBURG, MARYLAND 20841  
TEL: 301-771-1111 FAX: 301-771-1112  
WWW.CPJ-ARCHITECTS.COM

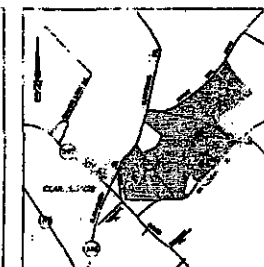
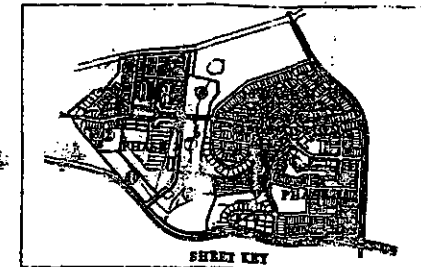
NO.	REV.	DATE	DESCRIPTION
8			
11			

DEVELOPER'S CERTIFICATE

THE UNDERSIGNED, DESIRES TO LOCATE ALL THE PLANNED AND RECORDED OF THIS  
STATE PLAT IN CONFORMANCE WITH THE AGREEMENT BETWEEN SHERMAN COUNTY  
PLANNING BOARD AND THE UNDERSIGNED.

DATE: 11/2/03 11/2/03

Donna L. Gages  
Donna L. Gages  
Donna L. Gages  
DEVELOPER'S NAME/CONTACT NAME/ADDRESS MAILING NAME OF SHERMAN PLANNING BOARD  
Donna L. Gages  
PRINTED NAME Donna L. Gages



VICTORY MAP  
IN SCALE  
GRAPHIC SCALE  
IN FEET )  
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

**CPJ Associates**  
Charles P. Johnson & Associates, Inc.  
FLAMERS • EMBODERS • LAMINATORS • ENGRAVERS  
581 ALTON ROAD SUITE 300 SAVERYVILLE, OHIO 44070  
Phone: (204) 544-7000 Fax: (204) 544-7099  
FAX: (204) 544-7099  
FAX: (204) 544-7099

[illegible]

PHASE 1A  
SITE DEVELOPMENT PLAN  
CLARKSBURG TOWN CENTER  
CLARKSBURG (2nd) ELECTION DISTRICT  
MONTGOMERY COUNTY, MARYLAND

TEST ASSOCIATES CLASSROOM LIAISON  
KIDDO PRESS/BLACK PAPER  
CLASSROOMS, MATERIALS, 2000-007

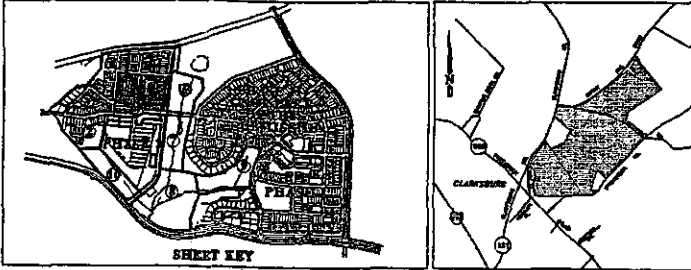
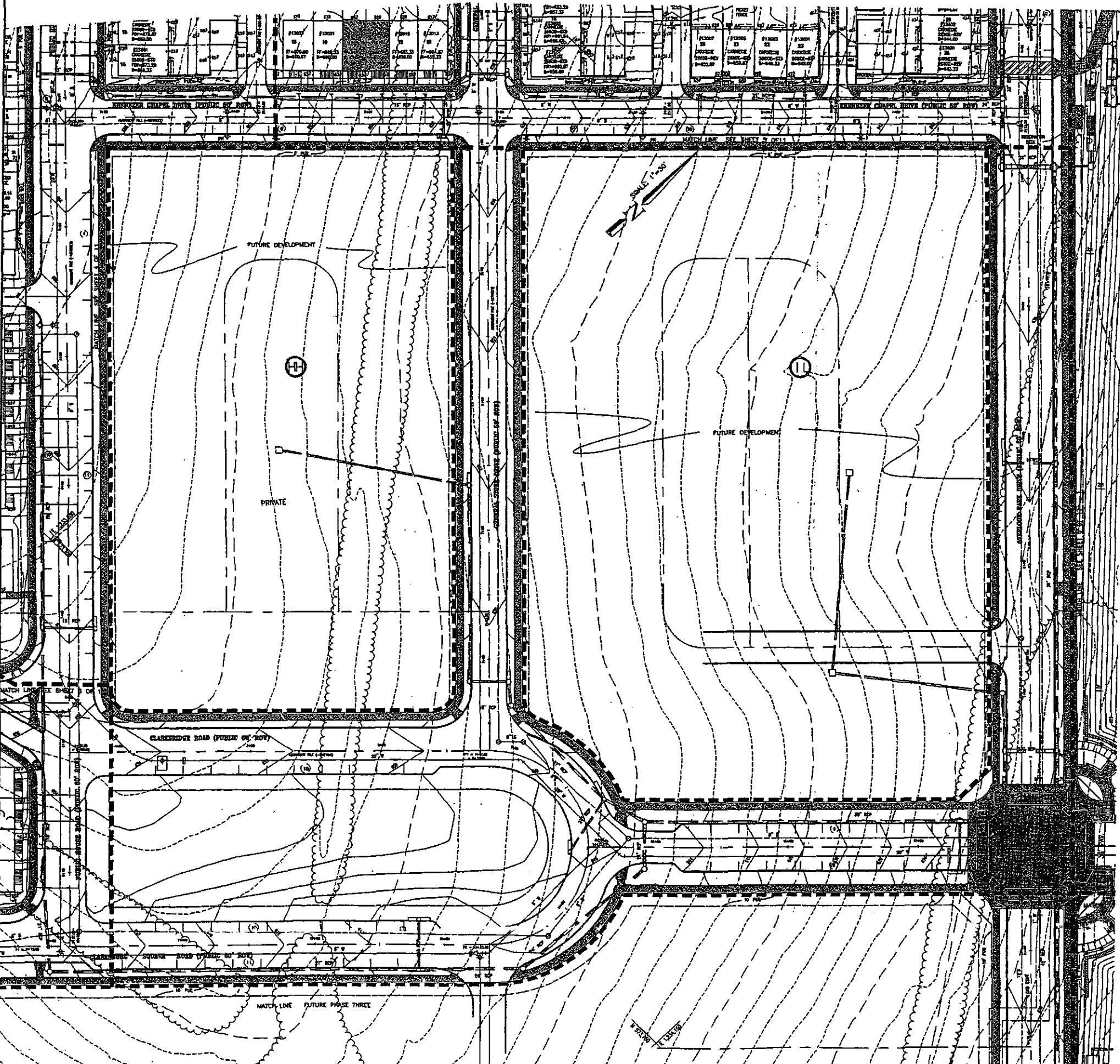
**MINIMUM SETBACKS REQUIRED PER SECTION 23-10.1.2**

Schedules shown reflect a 50% reduction in previously approved by the Planning Board during Project Plan and Preliminary Plan for this Development.

- From one-family residential zoning: 15'
- From residential zoning other than one-family: 10'
- From any street: 5'

**Minimum Lot Requirements for Residential Lots - modification per Section 23-10.1.2 of Zoning Ordinance**

Lot Area	30's	35's	40's	45's	50's	55's	60's	65's	70's	75's	80's	85's	90's	95's	100's
Front Yard	10'	12'	14'	16'	18'	20'	22'	24'	26'	28'	30'	32'	34'	36'	38'
Side Yard	5'	6'	7'	8'	9'	10'	11'	12'	13'	14'	15'	16'	17'	18'	19'
Back Yard	10'	12'	14'	16'	18'	20'	22'	24'	26'	28'	30'	32'	34'	36'	38'
Min. Lot Width @ 200' Ave	40'	45'	50'	55'	60'	65'	70'	75'	80'	85'	90'	95'	100'	105'	110'
Min. Lot Width @ 400' Ave	60'	65'	70'	75'	80'	85'	90'	95'	100'	105'	110'	115'	120'	125'	130'
Min. Lot Width @ 600' Ave	80'	85'	90'	95'	100'	105'	110'	115'	120'	125'	130'	135'	140'	145'	150'
Min. Lot Width @ 800' Ave	100'	105'	110'	115'	120'	125'	130'	135'	140'	145'	150'	155'	160'	165'	170'
Min. Lot Width @ 1000' Ave	120'	125'	130'	135'	140'	145'	150'	155'	160'	165'	170'	175'	180'	185'	190'
Min. Lot Width @ 1200' Ave	140'	145'	150'	155'	160'	165'	170'	175'	180'	185'	190'	195'	200'	205'	210'
Min. Lot Width @ 1400' Ave	160'	165'	170'	175'	180'	185'	190'	195'	200'	205'	210'	215'	220'	225'	230'
Min. Lot Width @ 1600' Ave	180'	185'	190'	195'	200'	205'	210'	215'	220'	225'	230'	235'	240'	245'	250'
Min. Lot Width @ 1800' Ave	200'	205'	210'	215'	220'	225'	230'	235'	240'	245'	250'	255'	260'	265'	270'
Min. Lot Width @ 2000' Ave	220'	225'	230'	235'	240'	245'	250'	255'	260'	265'	270'	275'	280'	285'	290'
Min. Lot Width @ 2200' Ave	240'	245'	250'	255'	260'	265'	270'	275'	280'	285'	290'	295'	300'	305'	310'
Min. Lot Width @ 2400' Ave	260'	265'	270'	275'	280'	285'	290'	295'	300'	305'	310'	315'	320'	325'	330'
Min. Lot Width @ 2600' Ave	280'	285'	290'	295'	300'	305'	310'	315'	320'	325'	330'	335'	340'	345'	350'
Min. Lot Width @ 2800' Ave	300'	305'	310'	315'	320'	325'	330'	335'	340'	345'	350'	355'	360'	365'	370'
Min. Lot Width @ 3000' Ave	320'	325'	330'	335'	340'	345'	350'	355'	360'	365'	370'	375'	380'	385'	390'
Min. Lot Width @ 3200' Ave	340'	345'	350'	355'	360'	365'	370'	375'	380'	385'	390'	395'	400'	405'	410'
Min. Lot Width @ 3400' Ave	360'	365'	370'	375'	380'	385'	390'	395'	400'	405'	410'	415'	420'	425'	430'
Min. Lot Width @ 3600' Ave	380'	385'	390'	395'	400'	405'	410'	415'	420'	425'	430'	435'	440'	445'	450'
Min. Lot Width @ 3800' Ave	400'	405'	410'	415'	420'	425'	430'	435'	440'	445'	450'	455'	460'	465'	470'
Min. Lot Width @ 4000' Ave	420'	425'	430'	435'	440'	445'	450'	455'	460'	465'	470'	475'	480'	485'	490'
Min. Lot Width @ 4200' Ave	440'	445'	450'	455'	460'	465'	470'	475'	480'	485'	490'	495'	500'	505'	510'
Min. Lot Width @ 4400' Ave	460'	465'	470'	475'	480'	485'	490'	495'	500'	505'	510'	515'	520'	525'	530'
Min. Lot Width @ 4600' Ave	480'	485'	490'	495'	500'	505'	510'	515'	520'	525'	530'	535'	540'	545'	550'
Min. Lot Width @ 4800' Ave	500'	505'	510'	515'	520'	525'	530'	535'	540'	545'	550'	555'	560'	565'	570'
Min. Lot Width @ 5000' Ave	520'	525'	530'	535'	540'	545'	550'	555'	560'	565'	570'	575'	580'	585'	590'
Min. Lot Width @ 5200' Ave	540'	545'	550'	555'	560'	565'	570'	575'	580'	585'	590'	595'	600'	605'	610'
Min. Lot Width @ 5400' Ave	560'	565'	570'	575'	580'	585'	590'	595'	600'	605'	610'	615'	620'	625'	630'
Min. Lot Width @ 5600' Ave	580'	585'	590'	595'	600'	605'	610'	615'	620'	625'	630'	635'	640'	645'	650'
Min. Lot Width @ 5800' Ave	600'	605'	610'	615'	620'	625'	630'	635'	640'	645'	650'	655'	660'	665'	670'
Min. Lot Width @ 6000' Ave	620'	625'	630'	635'	640'	645'	650'	655'	660'	665'	670'	675'	680'	685'	690'
Min. Lot Width @ 6200' Ave	640'	645'	650'	655'	660'	665'	670'	675'	680'	685'	690'	695'	700'	705'	710'
Min. Lot Width @ 6400' Ave	660'	665'	670'	675'	680'	685'	690'	695'	700'	705'	710'	715'	720'	725'	730'
Min. Lot Width @ 6600' Ave	680'	685'	690'	695'	700'	705'	710'	715'	720'	725'	730'	735'	740'	745'	750'
Min. Lot Width @ 6800' Ave	700'	705'	710'	715'	720'	725'	730'	735'	740'	745'	750'	755'	760'	765'	770'
Min. Lot Width @ 7000' Ave	720'	725'	730'	735'	740'	745'	750'	755'	760'	765'	770'	775'	780'	785'	790'
Min. Lot Width @ 7200' Ave	740'	745'	750'	755'	760'	765'	770'	775'	780'	785'	790'	795'	800'	805'	810'
Min. Lot Width @ 7400' Ave	760'	765'	770'	775'	780'	785'	790'	795'	800'	805'	810'	815'	820'	825'	830'
Min. Lot Width @ 7600' Ave	780'	785'	790'	795'	800'	805'	810'	815'	820'	825'	830'	835'	840'	845'	850'
Min. Lot Width @ 7800' Ave	800'	805'	810'	815'	820'	825'	830'	835'	840'	845'	850'	855'	860'	865'	870'
Min. Lot Width @ 8000' Ave	820'	825'	830'	835'	840'	845'	850'	855'	860'	865'	870'	875'	880'	885'	890'
Min. Lot Width @ 8200' Ave	840'	845'	850'	855'	860'	865'	870'	875'	880'	885'	890'	895'	900'	905'	910'
Min. Lot Width @ 8400' Ave	860'	865'	870'	875'	880'	885'	890'	895'	900'	905'	910'	915'	920'	925'	930'
Min. Lot Width @ 8600' Ave	880'	885'	890'	895'	900'	905'	910'	915'	920'	925'	930'	935'	940'	945'	950'
Min. Lot Width @ 8800' Ave	900'	905'	910'	915'	920'	925'	930'	935'	940'	945'	950'	955'	960'	965'	970'
Min. Lot Width @ 9000' Ave	920'	925'	930'	935'	940'	945'	950'	955'	960'	965'	970'	975'	980'	985'	990'
Min. Lot Width @ 9200' Ave	940'	945'	950'	955'	960'	965'	970'	975'	980'	985'	990'	995'	1000'	1005'	1010'
Min. Lot Width @ 9400' Ave	960'	965'	970'	975'	980'	985'	990'	995'	1000'	1005'	1010'	1015'	1020'	1025'	1030'
Min. Lot Width @ 9600' Ave	980'	985'	990'	995'	1000'	1005'	1010'	1015'	1020'	1025'	1030'	1035'	1040'	1045'	1050'
Min. Lot Width @ 9800' Ave	1000'	1005'	1010'	1015'	1020'	1025'	1030'	1035'	1040'	1045'	1050'	1055'	1060'	1065'	1070'
Min. Lot Width @ 10000' Ave	1020'	1025'	1030'	1035'	1040'	1045'	1050'	1055'	1060'	1065'	1070'	1075'	1080'	1085'	1090'
Min. Lot Width @ 10200' Ave	1040'	1045'	1050'	1055'	1060'	1065'	1070'	1075'	1080'	1085'	1090'	1095'	1100'	1105'	1110'
Min. Lot Width @ 10400' Ave	1060'	1065'	1070'	1075'	1080'	1085'	1090'	1095'	1100'	1105'	1110'	1115'	1120'	1125'	1130'
Min. Lot Width @ 10600' Ave	1080'	1085'	1090'	1095'	1100'	1105'	1110'	1115'	1120'	1125'	1130'	1135'	1140'	1145'	1150'
Min. Lot Width @ 10800' Ave	1100'	1105'	1110'	1115'	1120'	1125'	1130'	1135'	1140'	1145'	1150'	1155'	1160'	1165'	1170'
Min. Lot Width @ 11000' Ave	1120'	1125'	1130'	1135'	1140'	1145'	1150'	1155'	1160'	1165'	1170'	1175'	1180'	1185'	1190'
Min. Lot Width @ 11200' Ave	1140'	1145'	1150'	1155'	1160'	1165'	1170'	1175'	1180'	1185'	1190'	1195'	1200'	1205'	1210'
Min. Lot Width @ 11400' Ave	1160'	1165'	1170'	1175'	1180'	1185'	1190'	1195'	1200'	1205'	1210'	1215'	1220'	1225'	1230'
Min. Lot Width @ 11600' Ave	1180'	1185'	1190'	1195'	1200'	1205'	1210'	1215'	1220'	1225'	1230'	1235'	1240'	1245'	1250'
Min. Lot Width @ 11800' Ave	1200'	1205'	1210'	1215'	1220'	1225'	1230'	1235'	1240'	1245'	1250'	1255'	1260'	1265'	1270'
Min. Lot Width @ 12000' Ave	1220'	1225'	1230'	1235'	1240'	1245'	1250'	1255'	1260'	1265'	1270'	1275'	1280'	1285'	1290'
Min. Lot Width @ 12200' Ave	1240'	1245'	1250'	1255'	1260'	1265'	1270'	1275'	1280'	1285'	1290'	1295'	1300'	1305'	1310'
Min. Lot Width @ 12400' Ave	1260'	1265'	1270'	1275'	1280'	1285'	1290'	1295'	1300'	1305'	1310'	1315'	1320'	1325'	1330'
Min. Lot Width @ 12600' Ave	1280'	1285'	1290'	1295'	1300'	1305'	1310'	1315'	1320'	1325'	1330'	1335'	1340'	1345'	1350'
Min. Lot Width @ 12800' Ave	1300'	1305'	1310'	1315'	1320'	1325'	1330'	1335'	1340'	1345'	1350'	1355'	1360'	1365'	1370'
Min. Lot Width @ 13000' Ave	1320'	1325'	1330'	1335'	1340'	1345'	1350'	1355'	1360'	1365'	1370'	1375'	1380'	1385'	1390'
Min. Lot Width @ 13200' Ave	1340'	1345'	1350'	1355'	1360'	1365'	1370'	1375'	1380'	1385'	1390'	1395'	1400'	1405'	1410'
Min. Lot Width @ 13400' Ave	1360'	1365'	1370'	1375'	1380'	1385'	1390'	1395'	1400'	1405'	1410'	1415'	1420'	1425'	1430'
Min. Lot Width @ 13600' Ave	1380'	1385'	1390'	1395'	1400'	1405'	1410'	1415'	1420'	1425'	1430'	1435'	1440'	1445'	1450'
Min. Lot Width @ 13800' Ave	1400'	1405'	1410'	1415'	1420'	1425'	1430'	1435'	1440'	1445'	1450'	1455'	1460'	1465'	1470'
Min. Lot Width @ 14000' Ave	1420'	1425'	1430'	1435'	1440'	1445'	1450'	1455'	1460'	1465'	1470'	1475'	1480'	1485'	1490'
Min. Lot Width @ 14200' Ave	1440'	1445'	1450'	1455'	1460'	1465'	1470'	1475'							



MINIMUM BUILDING SETBACKS per SECTION 10-C-10.1.2

Setbacks shown reflect a 50% reduction as previously approved by the Planning Board during Project Plan and Preliminary Plan for the development.

1. From non-family residential zoning	20'
2. From residential zoning other than non-family	15'
3. From any street	10'

Minimum Lot Requirements for Residential Lots - modification per Section 10-C-10.3.6 of Zoning Ordinance

Lot Area	SPD	TN's	Covered TN's	Min-Family
Front Yard	6250 sqft	1120 sqft	850 sqft	NA
Lot Width @ Street	35'	15'	15'	10'
Min. Lot Depth @ Stop Line	45'	15'	15'	NA
Rear Yard	AS SHOWN	AS SHOWN	AS SHOWN	AS SHOWN
Side Yard	5'	0'	0'	10'/20'
Min. space between Lot Edges	NA	0'	0'	0'

\* Min-block separation between and within lots may be reduced to 4'.

Residential Accessory Buildings/Lot Standards

1. Coverage (Max. percentage of Lot)	50%
2. Setback (Min. Lot)	50'
From Front Street Line	50'
From Side/Rear Lot Line	10'
From Alley Line	10'
Setback (Corner Lot)	30'
From Side Street (Where abutting Lots Front)	10'
From Side Street (Where abutting Lots do not Front)	10'
From Rear Lot Line	5'
Max. Height	27'

THIS PLAN SHOULD NOT BE USED AS A LEGAL DOCUMENT FOR REPRESENTATION OF DEEDS, EASEMENTS, LOT SQUARE FOOTAGES AND EASEMENTS. FOR RECORDED INFORMATION, PLEASE SEE RECORD PLANS OR APPLICABLE RECORDED DOCUMENTS.

DEVELOPER'S CERTIFICATE

THE UNDERSIGNED AGREES TO EXERCISE ALL THE RIGHTS AND REMEDIES OF THE SITE PLAN IN ACCORDANCE WITH THE AGREEMENT BETWEEN MONTGOMERY COUNTY PLANNING BOARD AND THE UNDERSIGNED.

DATE: 10/10/12

DEVELOPER: CLARKSBURG TOWN CENTER

DEVELOPER'S NAME/COMPANY NAME/ADDRESS/PHONE NUMBER/DATE OF CONTRACT PURCHASE:

James E. Groves



# OWNER'S CERTIFICATE

WE, THE UNDERSIGNED, OWNER OF THE PROPERTY SHOWN HEREON AND DESCRIBED IN THE SURVEYOR'S CERTIFICATE, HEREBY ADOPT THIS SUBDIVISION RECORD PLAT, ESTABLISH THE MINIMUM BUILDING RESTRICTION LINES AND DEDICATE THE STREETS TO PUBLIC USE, GRANT TO MONTGOMERY COUNTY, MARYLAND SLOPE EASEMENTS, TO THE MINIMUM BUILDING RESTRICTION LINES, ADJACENT, CONTIGUOUS, AND PARALLEL TO ALL STREET RIGHT OF WAY LINES, SAID SLOPE EASEMENTS SHALL BE EXTINGUISHED AFTER ALL PUBLIC IMPROVEMENTS ABUTTING SAID EASEMENTS HAVE BEEN ACCEPTED FOR PUBLIC MAINTENANCE; GRANT PUBLIC UTILITY EASEMENTS AS SHOWN HEREON AND DESIGNATED "P.U.E." TO THE PARTIES LISTED AND WITH THE TERMS AND PROVISIONS BEING SET FORTH IN THAT CERTAIN DOCUMENT ENTITLED "DECLARATION OF PUBLIC UTILITY EASEMENTS" AND RECORDED AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND IN LIBER 3834 AT FOLIO 457, WHICH SAID TERMS AND PROVISIONS ARE INCORPORATED HEREIN BY THIS REFERENCE; GRANT TO MONTGOMERY COUNTY, MARYLAND PUBLIC IMPROVEMENT EASEMENTS, AS SHOWN HEREON (IF ANY), AND DESIGNATED "P.I.E." WITH THE TERMS AND PROVISIONS OF SAID EASEMENTS BEING SET FORTH IN THAT CERTAIN DOCUMENT ENTITLED "DECLARATION OF EASEMENT" AND RECORDED AMONG THE AFORESAID LAND RECORDS IN LIBER 16805 AT FOLIO 510, SAID TERMS AND PROVISIONS ARE INCORPORATED HEREIN, BY THIS REFERENCE.

WE FURTHER CERTIFY THAT A MARYLAND REGISTERED LAND SURVEYOR WILL BE ENGAGED TO SET ALL PROPERTY CORNER MARKERS IN ACCORDANCE WITH SECTION 50-24 (a) OF THE SUBDIVISION REGULATIONS OF MONTGOMERY COUNTY, MARYLAND.

THERE ARE NO SUITS, ACTIONS AT LAW, LIENS, LEASES, MORTGAGES, OR TRUSTS AFFECTING THE PROPERTY SHOWN HEREON, EXCEPT THAT CERTAIN DEED OF TRUST, AND THE PARTIES IN INTEREST THEREOF HAVE BELOW INDICATED THEIR ASSENT.

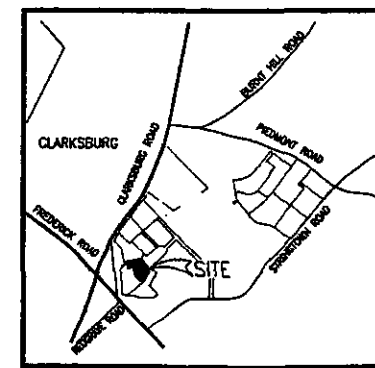
DATE 8-7-02 TERRABROOK CLARKSBURG, L.L.C.  
A DELAWARE LIMITED LIABILITY COMPANY  
BY: WESTERRA MANAGEMENT, L.L.  
A DELAWARE LIMITED LIABILITY COMPANY

ATTEST: [Signature] Tracy Z. Graves, Assistant Vice President

I HEREBY ASSENT TO THIS SUBDIVISION RECORD PLAT

DATE 8/12/02 [Signature] David H. Peterson, Trustee

WITNESSES: [Signature] [Signature]



VICINITY MAP  
NOT TO SCALE

CLARKSBURG  
SQUARE ROAD

202211 195042 Phased 859001 RAY TOR  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
MONTGOMERY COUNTY PLANNING BOARD  
APPROVED: April 25, 2002  
[Signature] Chairman  
ASST. SECRETARY-TREASURER  
MNC&PC Record File No. 619-24

DEPARTMENT OF PERMITTING  
SERVICES, MONTGOMERY COUNTY  
APPROVED: NOVEMBER 8, 2002  
[Signature] Director

29 LOTS  
1 PARCELS  
TAX MAP EW

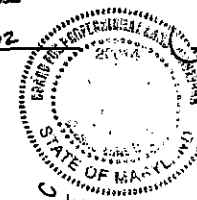
Plotted: Aug. 5, 2002

# SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE INFORMATION SHOWN HEREON IS CORRECT, THAT IT IS A SUBDIVISION OF A PART OF THE PROPERTY ACQUIRED BY TERRABROOK CLARKSBURG, L.L.C., A DELAWARE LIMITED LIABILITY COMPANY, FROM CLARKSBURG LAND ASSOCIATES, L.L.P., A MARYLAND LIMITED LIABILITY LIMITED PARTNERSHIP, AND PIEDMONT LAND ASSOCIATES, L.L.P., A MARYLAND LIMITED LIABILITY LIMITED PARTNERSHIP, BY DEED DATED FEBRUARY 4, 2000 AND RECORDED AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND IN LIBER 17865 AT FOLIO 495.

THE TOTAL AREA INCLUDED IN THIS SUBDIVISION RECORD PLAT IS 147,736 SQUARE FEET OR 3.39 ACRES OF LAND, OF WHICH SQUARE FEET OR 1.38 ACRES OF LAND ARE DEDICATED TO PUBLIC USE.

DATE 8-5-2002



RONALD L. COLLIER  
PROFESSIONAL LAND SURVEYOR  
MARYLAND REG. NO. 20014

## NOTES:

- ALL TERMS, CONDITIONS, AGREEMENTS, LIMITATIONS, AND REQUIREMENTS ASSOCIATED WITH ANY PRELIMINARY PLAN, SITE PLAN, PROJECT PLAN, OR ANY OTHER PLAN, ALLOWING THE DEVELOPMENT OF THE PROPERTY, APPROVED BY THE MONTGOMERY COUNTY PLANNING BOARD, ARE INTENDED TO SURVIVE AND NOT BE EXTINGUISHED BY THE RECORDATION OF THIS PLAT, UNLESS EXPRESSLY CONTEMPLATED BY THE PLAN AS APPROVED. THE OFFICIAL FILES FOR ANY SUCH PLAN(S) ARE MAINTAINED BY THE PLANNING BOARD AND ARE AVAILABLE FOR REVIEW DURING NORMAL BUSINESS HOURS.
- THE PROPERTY SHOWN HEREON IS SUBJECT TO THE REQUIREMENTS OF THE MONTGOMERY COUNTY FOREST CONSERVATION LAW OF 1992, INCLUDING APPROVAL OF THE FINAL FOREST CONSERVATION PLAN AND APPROPRIATE AGREEMENTS PRIOR TO ISSUANCE OF A SEDIMENT CONTROL PERMIT. A COPY OF THE APPROVED PLAN MAY BE VIEWED AT 8787 GEORGIA AVENUE, SILVER SPRING, MARYLAND.
- THIS SUBDIVISION RECORD PLAT IS NOT INTENDED TO SHOW EVERY MATTER AFFECTING THE OWNERSHIP AND/OR USE, NOR EVERY MATTER RESTRICTING THE OWNERSHIP AND/OR USE, OF THIS PROPERTY. THIS SUBDIVISION RECORD PLAT IS NOT INTENDED TO REPLACE AN EXAMINATION OF TITLE OR TO DEPICT OR NOTE ALL MATTERS AFFECTING TITLE.
- THIS DEVELOPMENT IS SERVED BY PUBLIC WATER AND SEWER SYSTEMS ONLY.
- THIS LAND IS ZONED "RM" AND IS BEING DEVELOPED UNDER THE PROVISIONS OF DIVISION 59-C-10 OF THE MONTGOMERY COUNTY CODE.
- THIS SITE IS SUBJECT TO AN AGREEMENT WITH THE MONTGOMERY COUNTY PLANNING BOARD REGARDING ADEQUATE PUBLIC FACILITIES.
- THE DEVELOPMENT IS SUBJECT TO A SITE PLAN ENFORCEMENT AGREEMENT PURSUANT TO M-NC&PC FILE NUMBER 8-98001.
- W.S.S.C. 200 SCALE REFERENCE: 223 NW 13
- PARCEL A, BLOCK FF IS SUBJECT TO A DECLARATION COVENANTS FOR PRIVATE OPEN SPACE RECORDED AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND IN LIBER 19561 AT FOLIO 342.

SUBDIVISION RECORD PLAT  
LOTS 1 THROUGH 13,  
22 THROUGH 37 AND  
PARCEL A, BLOCK FF  
**CLARKSBURG  
TOWN CENTER**  
CLARKSBURG (2ND) DISTRICT  
MONTGOMERY COUNTY, MARYLAND  
SCALE: 1"=40' AUGUST, 2002

**CPI** Charles P. Johnson & Associates, Inc.  
PLANNERS • ENGINEERS • LANDSCAPE ARCHITECTS • SURVEYORS  
1800 CLARKSBURG ROAD SUITE 200 SILVER SPRING, MARYLAND 20910  
Phone: (301) 591-1000 Fax: (301) 591-1001  
www.cpi-va.com

CURVE	RADIUS	ARC	DELTA	TANGENT	BEARING	CHORD
1	270.00	81.46	21°12'51"	41.20	S33°35'08"W	80.99
2	280.00	83.41	17°04'04"	42.02	S31°30'45"W	83.10
3	53.00	78.32	84°40'23"	48.29	N33°43'44"E	71.39
4	25.00	53.18	121°52'21"	44.88	N18°07'48"E	43.70
5	270.00	73.88	19°14'26"	37.29	N3°33'15"E	73.53
6	280.00	97.21	19°53'29"	49.10	N2°55'17"E	96.72
7	18.00	23.85	84°40'23"	14.58	S33°43'44"W	21.55
8	120.00	50.05	27°53'51"	25.39	N34°55'38"E	49.89
9	18.00	27.86	85°40'36"	17.89	N0°28'07"E	25.16

2-02211

Dwg: N:\29100\dwg\15-18 Xref:

SECTION 1A1  
4 OF 7  
JID DFD  
29-100-15.18A

619-24



## CLARKSBURG TOWN CENTER – PHASE I

### Occupancy Rate

768 total approved units, 409 occupied = 53% occupancy

### Per 1998 Staff Report:

<u>I.</u>	<u>Specified Amenity Areas (p.21)</u>	<u>Location(s) &amp; Status</u>
A.	Town Square	1A-4 (site plan pending)
B.	Land dedicated for future civic building (with Phase II)	III (site plan pending)
C.	Streetscape system	Being completed with adjacent house completion
D.	Neighborhood squares and green area	All completed except 1A-4, HH & II
E.	Greenway dedicated to public use	Pending flood plain study approval
F.	Greenway roadway	Under construction (to be completed '05)
G.	Specialty planting areas along Greenway Road	Pending completion of roadway
H.	Park/School Site/Large Private Recreation Areas for Major Fields (with Phase II)	Land conveyed to MCPS and MNCPPC; 2 of 3 fields sodded
I.	Land for expansion of areas next to Historic District	Provided
J.	Green areas and buffer next to Historic District	Provided
K.	Green areas and setback areas located along MidCounty Highway, Stringtown Road & Clarksburg Road improvements	Piedmont – landscaping 75% (100% 7/05); Stringtown 65% (remainder pending road construction); Clarksburg Road 75% (remainder pending road construction; est. 2006-2007 completion)

L. Pond Area (SWM Facility)

Pending SWM conversion (est. 2006 completion)

II. Recreation Calculations (p.34)

Facility

Location(s) & Status

A. Tot Lot (1 required)

**5 provided:** 1A-1, Block EE (installed); 1B-3, Block F (installed); 1A-3, GG (Spring '06); 1A-4, II (site plan pending); 1B-2, Block D (completed) (except sidewalk to be done this week)

B. Multi-Age Playlot (2 required)

**2 provided:** 1A-2, FF (contracted-waiting for installation of underground SWM; est. Fall '05 completion); 1B-3, F (completed)

C. Picnic/Sitting (12 required)

**19 provided:** 1B-1, A(1) (completed); 1B-2, D(2) (completed); 1B-2, E(1) (completed); 1B-3, F(3) (completed); 1A-1, AA(1) (completed); 1A-1, EE(1) (completed); 1B-2, B(2) (pending SWM conversion-Fall '06); 1A-2, EE(1) (out to bid - summer '05); 1A-4, HH(1) (site plan pending); 1A-4, II(2) (site plan pending); Town Square (2) (site plan pending); Overlook seating areas - Clarksburg Square Road (2) (pending completion of road construction)

D. Open Play Area II (1 required)

**3 provided:** 1B-2, E(2); 1B-3, F(1) - completed

E. Bike System (1 required)

**1 provided:** Class III (pending home construction, final topping); Master Plan (Piedmont Road)(completed, pending road opening 7/05); Master Plan (Stringtown Road) (Fall '06)

F. Pedestrian System (1 required)  
Pathway - Murphy's Grove

**1 provided:** Being completed with adjacent house completion. 1B-2, B (pending conversion of SWM)

- |    |                             |  |
|----|-----------------------------|--|
| G. | Nature Trails (1 required)  | 1 provided: Pending – to be field located w/Staff (begin Fall '05) |
| H. | Nature Areas                | Existing   |
| I. | Swimming Pools (1 required) | 1 provided: 1A-4 (pending site plan approval)                      |
| J. | Wading Pools (1 required)   | 1 provided 1A-4 (pending site plan approval)                       |

SITE PLAN ENFORCEMENT AGREEMENT

THIS AGREEMENT, made this 13<sup>th</sup> day of May, 1999, by and between CLARKSBURG LAND ASSOCIATES LIMITED PARTNERSHIP and PIEDMONT LAND ASSOCIATES LIMITED PARTNERSHIP (collectively, the "Developer"), and the MONTGOMERY COUNTY PLANNING BOARD OF THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION (hereinafter the "Planning Board").

WHEREAS, Text Amendment No. 80025, approved July 21, 1981, effective October 15, 1981, amended Section 59-D-3.3 of the Montgomery County Code to require as a part of the site plan review process that applicants enter into a formal agreement with the Planning Board requiring the applicant to execute all features of the approved site plan in accordance with the Development Program required by Section 59-D-3.23(m) of the Montgomery County Code, 1984 (as, amended); and

WHEREAS, pursuant to Section 59-D-3 of the Montgomery County Code, 1984 (as amended), Developer filed with the Planning Board an application for approval of a site plan, denominated Site Plan Application No. 8-98001, and amendments thereto; and

WHEREAS, the property which is the subject of Site Plan Application No. 8-98001 consists of approximately 120 acres located northeast of Maryland Route 355, between Clarksburg Road and Stringtown Road, Clarksburg, Montgomery County, Maryland (the "Subject Property"); and

WHEREAS, Site Plan No. 8-98001 proposes the construction on the Subject Property of 768 dwelling units (75 single-family

detached, 398 multi-family units, and 295 townhouses), together inclusive of 96 MPDUs; and

WHEREAS, attached hereto are copies of the following Exhibits, each of which is incorporated herein by reference:

Exhibit "A" - Planning Board Opinion approving, with conditions, Site Plan No. 8-98001;

Exhibit "B" - Development Program

Exhibit "C" - Certified Site Plan

Exhibit "D" - Certified Landscape and Lighting Plan

Exhibit "E" - Phasing Plan

Exhibit "F" - Circle Page 49 of Staff Report for Preliminary Plan 1-95042 dated September 22, 1995.

Exhibit "G" - Department of Parks Memorandum dated September 22, 1995.

WHEREAS, the parties hereto desire to set forth herein their respective requirements and obligations pursuant to Section 59-D-3.3 of the Montgomery County Code, 1994 (as amended).

NOW, THEREFORE, in consideration of the mutual promises and stipulations set forth herein and pursuant to the requirements of Section 59-D-3.3 of the Montgomery County Code, 1994 (as amended), the parties hereto agree as follows.

1. In accordance with approval by the Planning Board of Site Plan No. 8-98001, Developer agrees that, when it commences construction on any phase as set forth in the Development Program attached hereto as Exhibit "B", or any amendments thereto, it will execute and maintain all the features of the site plan for that phase as required by Section 59-D-3.23 in fulfillment of the



approval granting Site Plan No. 8-98001, and any subsequent amendments approved by the Planning Board. Developer agrees to install and construct all features of the site plan, such as recreational facilities and landscaping, in a good and workmanlike manner.

2. Developer agrees that construction of the Subject Property will progress in accordance with the Development Program as set forth in Exhibit "B" or any amendments thereto.

3. Representatives or designees of the Planning Board may enter upon the Subject Property from time to time for the purpose of inspection and enforcement of the terms, conditions and restrictions of this Agreement. Whenever possible, a representative of Developer shall be provided an opportunity to be present at said inspection. In the event that the representative or designee of the Planning Board determines on the basis of said inspection that construction is not progressing in accordance with Site Plan No. 8-98001 or the Development Program, the representative or designee shall promptly advise Developer concerning the problem.

4. Representatives or designees of the Planning Board shall inspect each phase and the construction thereon for compliance with Site Plan No. 8-98001 in accordance with the Development Program or any amendments thereto. Inspection of the Subject Property shall be made promptly after receipt of written notice from Developer as set forth in the Development Program and, whenever possible, a representative of Developer shall be present

at said inspection. The Planning Board shall promptly advise Developer in writing concerning the results of said inspection. All reasonable efforts will be made to conduct the inspection and inform Developer of the results within ten (10) working days of the date of such written notice.

5. The Planning Board shall recommend for issuance within a reasonable time any permits sought by Developer when the Planning Board determines that said permit requests are consistent with the approved Site Plan No. 8-98001 and any amendments thereto. Such approval shall not be unreasonably withheld.

6. In the event any party deems there has been a breach of the terms, conditions and restrictions of this agreement, an aggrieved party may pursue all remedies provided by Maryland law.

7. Wherever any portion of this Agreement or the Development Program submitted herewith as Exhibit "B", or any amendments thereto are in conflict with agreements pertaining to the Subject Property entered into between Developer and any federal, state or county agency, Developer shall promptly notify the Planning Board concerning such conflict. The Planning Board or its designee will cooperate in attempts to resolve the conflict. Should an unreasonable delay ensue due to the failure to resolve said conflict, Developer shall have the right to seek in a timely manner judicial determination of the rights and obligations of all parties, and the Planning Board, for its part, agrees to cooperate in expediting said judicial determination.

8. If Developer determines, following commencement of construction on the Subject Property, that the full Development Program cannot be achieved for any reason, Developer will submit for approval a restoration schedule to the designee of the Planning Board for purposes of amending the Development Program.

9. Approval of a feature of Site Plan No. 8-98001 by the Planning Board after inspection shall not constitute a warranty that the feature is free of latent defects. Therefore, if the Planning Board or its designee approves a feature of Site Plan No. 8-98001 which contains a latent defect which was not readily apparent at the time of inspection, upon discovery of said latent defect, the Planning Board may avail itself of the remedial steps provided for under the terms of the Agreement.

10. This Agreement may only be modified in a writing signed by the parties hereto, their heirs, successors or assigns.

11. This agreement shall be binding upon the heirs, successors and assigns of all parties hereto.


[SIGNATURE PAGE FOLLOWS]


IN WITNESS WHEREOF, the parties hereto have hereunto set our hands and seals as of the date first written above.

WITNESS/ATTEST:


CLARKSBURG LAND ASSOCIATES  
LIMITED PARTNERSHIP

By: SUMNER CLARKSBURG LIMITED  
PARTNERSHIP,  
a Maryland limited partnership,  
Managing General Partner

By:   
Steven M. Klebanoff,  
Sole General Partner

By:   
Marcus W. Montgomery,  
General Partner

PIEDMONT LAND ASSOCIATES  
LIMITED PARTNERSHIP

By:   
Steven M. Klebanoff  
Managing General Partner

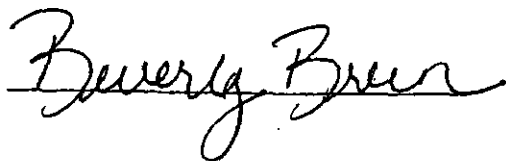
APPROVED AS TO LEGAL SUFFICIENCY

NR 5/12/95  
M-NCPPC LEGAL DEPARTMENT

By:   
Marcus W. Montgomery  
General Partner

WITNESS/ATTEST:

MONTGOMERY COUNTY PLANNING BOARD



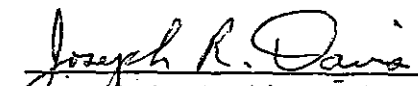
By:   
Joseph R. Davis, Designee

EXHIBIT "B"

DEVELOPMENT PROGRAM  
SITE PLAN NO. 8-98001

PHASING

Developer anticipates developing the 768 dwelling units approved by the Planning Board in Site Plan No. 8-98001 in four (4) phases as depicted on the Phasing Plan attached to the Site Plan Enforcement Agreement as Exhibit "E" ("Phasing Plan"). Developer reserves the right to adjust the number of phases or the sequence of phasing, provided development in each phase proceeds as set forth below. Infrastructure, amenities and units to be provided in accordance with the following sequence, regardless of which phase of the development proceeds first:

Site Preparation (for the Subject Property or by Phases, as Applicable).

- Protection devices around all tree-save areas.
- Sediment control.
- Construction of stormwater management basins and initial outfitting as sediment basins.

To be Completed as Applicable, with Respect to each Phase Depicted on the Phasing Plan, Regardless of Phasing Sequence.

- Water and sewer.
- Commence construction of residential units.
- Street tree planting must progress as street construction is completed, but no later than six months after completion of the units adjacent to those streets.
- Community-wide pedestrian pathways and recreation facilities in each phase of the development must be completed prior to seventy percent occupancy of such phase.
- Landscaping associated with each parking lot and building shall be completed as construction of each



facility is completed, but no later than three months after completion of the facility.

- Pedestrian pathways and seating areas associated with each recreation facility shall be completed as construction of each facility is completed.
- Site clearing and grading shall be phased to correspond to the construction phasing to minimize soil erosion.
- Each section of the development shall be coordinated with on-site road construction.
- Stormwater management and forest conservation shall be phased according to approved plans.
- Paving of roads (excluding final topping) and parking areas shall be completed prior to occupancy of adjacent units.

#### Site Stabilization

- Conversion of sediment basins to stormwater management basins pursuant to the Phasing Plan.
- Removal of remaining sediment control devices.

#### STIPULATIONS

In accordance with the conditions set forth in the Montgomery County Planning Board's Decision approving Site Plan No. 8-98001, the Developer agrees to the following stipulations:

(a) Developer shall submit the Site Plan Enforcement Agreement, Development Program and Homeowners Association Documents for review prior to approval of the signature set of plans.

(b) Developer shall clearly show the following information on the signature set of site plan, landscape/lighting, forest conservation, and sediment and erosion control plans for Planning Staff review prior to approval by the Montgomery County Department of Permitting Services:

1. Undisturbed stream buffers of approximately 120 to 150 feet wide, as shown in more detail on the Site Plan;
2. Limit of disturbance;

3. Methods and location of tree protection;
4. Forest Conservation areas;
5. Conditions of MCDPS Water Quality/Stormwater Management Concept approval letter dated January 15, 1998;
6. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading;
7. The development program inspection schedule;
8. Category I and II Conservation easement and park dedication boundary;
9. Street trees along all public and private streets inclusive of the arterial streets surrounding the project;
10. Centralized, screened trash areas for all multi-family and one-family attached units except townhouses;
11. Details for and location of wood noise fencing to attenuate current noise levels to no more than 60 dBA Ldn for the outdoor backyard area of homes at Stringtown Road and Mid-County Arterial (i.e., Lots 23 and 33, Block K and Lot 51, Block L);
12. Note stating that the certification of a professional acoustical engineer that building shells can be constructed to attenuate current noise levels to an interior level not to exceed 45 dBA Ldn, for lots fronting Stringtown Road and Mid-County Arterial (i.e., Lots 23-33 and 47-51, Block K and Lots 21-51, Block L) shall be provided to Staff prior to release of building permits for such lots.

(c) The approved Forest Conservation Plan shall satisfy all applicable conditions of approval prior to recording of plat and MCDPS issuance of sediment and erosion control permit.

(d) No clearing or grading prior to Planning Department approval of signature set of plans except that Developer and/or the WSSC may install the utility trunk sewer line to serve the property in accordance with WSSC approved plans.

(e) All agricultural areas within the environmental buffer which have not yet been taken out of production and

stabilized with a suitable grass cover will be so converted prior to clearing and grading of such areas.

(f) Record plats shall reflect delineation of a Category I and II Conservation Easement which includes areas affected by Site Plan 8-98001 to show a 100 year flood plain, stream/wetland buffer and forest conservation areas.

(g) The Developer shall submit final design plans for the stream valley crossing at Main Street to Environmental Planning Division staff for review and comment prior to approval by MCDPS/MCDPW&T. Plans must demonstrate adherence to the current MCDPS/MCDPW&T Guidelines for Environmentally Sensitive Stream Crossings.

(h) The Developer and MNCPPC Environmental Planning Staff and Parks Department Staff shall field locate the natural surface trail within the Greenway Park prior to stakeout and construction. The stream crossing under Main Street shall be evaluated jointly by the Developer and MNCPPC Staff for adequacy of providing dismounted equestrian crossing. The bike path along Greenway Road shall be reviewed by staff to evaluate the consideration of expanding the path to 10 feet in width, pending the adequacy of Special Protection Area review by MCDPS and MCPD staff.

(i) Final erosion and sediment control plans shall be submitted to Environmental Planning Division staff for review and comment prior to approval by MCDPS.

(j) The Developer shall implement a program of daily inspections, maintenance and repairs as necessary, and detailed daily documentation of inspection and maintenance activities for all sediment and erosion control measures required and constructed on the site. Such a program shall be carried out under the direction of MCDPS and the Developer shall pay the associated reasonable costs. The Developer shall continue to meet with and cooperate with MCDPS. Documentation of inspection, maintenance and repair activities shall be available for MCDPS review and use.

(k) The Forest Conservation Plan shall be approved and bonded prior to issuance of the erosion and sediment control permit.

(l) All stormwater management outfalls which extend into the environmental buffer shall be field located by Developer's representative, MCDPS, and MNCPPC Environmental staff prior to approval of the stormwater management/sediment control permits by MCDPS.

(m) MNCPPC Environmental Planning Division staff shall review and approve detailed design plans for any wetland mitigation sites within the environmental buffers prior to issuance of sediment control permits or authorization to clear and grade any of these areas.

(n) Developer shall reduce the amount of impervious surfaces within the development by deleting the on-street parking and reducing road pavement on: (1) the stream valley side of the Greenway Road in the immediate vicinity of Main Street; (2) the stream valley side of Street "C" from Street "D" to the bikepath crossing; and (3) on Street "D" west of its intersection with Street "C", each pending MCDPW&T and MCDPS approval.

(o) Developer shall revise Sheet L-9 of the landscape plans to increase the evergreen tree planting along Stringtown Road in order to provide more year-round visual screening of outdoor rear yard areas from Stringtown Road for noise mitigation purposes.

(p) Developer shall revise the signature set of site and landscape plans to show 6-foot fences for visual screening of the rear yards of Lots 23 and 33, Block K and Lot 51, Block L from Stringtown Road for noise mitigation purposes.

(q) Signature set of landscape plans shall include planting for all stormwater management facilities and shall be reviewed and approved by M-NCPDPC staff in coordination with MCDPS.

(r) Developer shall show conformance to all waivers to be approved by DPW&T and DPS per memos dated January 14 and 15, 1998, respectively, as they may be amended.

(s) Developer shall show conformance to cross section and other recommendations per DPW&T, DPS memos dated January 14 and January 15, 1998, respectively, as they may be amended.

(t) The project shall conform to MCPD Transportation Planning memo dated January 20, 1998.

(u) APF Agreement to be executed prior to the first record plat to reflect all road improvement conditions of the Preliminary Plan Approval, i.e., dedication, and construction of required improvements pertaining to the construction of Stringtown Road (A-260), Clarksburg Road (A-121) and Mid-County Arterial (A-305). If acquisition of right-of-way becomes necessary for any of the road improvements the applicant is required to provide pursuant to Site Plan conditions 17 and 18, and the County exercises Eminent Domain to acquire these rights-of-way, the

applicant will be responsible to reimburse the County for these reasonable costs.

(v) Developer shall dedicate and construct "O" Street extended prior to the recordation of the last lot in the entire project or when the dedication of "O" Street by the adjacent property owners is made in conjunction with future development proposals.

(w) Developer shall provide a turn around at the end of Main Street by the Historic District until the connection to MD 355 is established.

(x) Developer shall provide signs for the Class III bike path along Main Street.

(y) If applicable, per MC Public Schools memo of December 31, 1997, the Developer shall conduct a testing program, the final report signed and sealed by a registered professional engineer, authenticating the adequacy of the deposited soils to support typical building foundation loads.

(z) With the respect to the culvert crossing under Main Street, the Greenway path shall include sufficient space to provide for a lighted, stabilized path and adequate headroom for pedestrian crossing.

(aa) The parks/school dedications schedule shall conform to Preliminary Plan # 1-95042 Conditions 6 and 7 (see discussion below).

(bb) All sales contracts, advertising and other information shall include notification that there is an active park in the area and that traffic calming measures will be installed with final paving.

(cc) All construction within M-NCPPC property shall meet Parks Department specifications and approval prior to release of construction permits for the park.

(dd) Developer agrees the right-of-way for Stringtown Road should be no closer to the historic Day House than 15 feet from the porch column, subject to MCDPW&T and MCDPS approval of the cross section for Stringtown Road.

(ee) Developer agrees lighting at all road intersections within the Historic District, and especially at Stringtown Road and Frederick Road, should be designed to have a minimal impact on the Historic District. The lighting within the Historic District - both fixtures and intensity - should be



compatible with the historic and residential character of the area, as allowed by the utility companies and MCDPW&T and MCDPS.

(ff) Per the Project Plan approval, when the ROW is made available, construct Main Street to MD 355 within the Historic District prior to completion of the project. At such time when the land is made available, share direct moving expenses only for relocating an existing house within the Historic District, and if the applicant and owner agree, make available the identified outlot to be merged with a portion of the adjacent parcel so as to create another lot.

(gg) Developer shall prepare a detailed design for the public space/interpretative area which will include the Clark Family Cemetery headstones for staff review and approval prior to release of signature set of plans.

(hh) Developer shall adjust the lot lines to include Outlot "A" in the single-family home area directly adjacent to the Historic District, to fulfill the Project Plan condition to approximate R-200 zone lot width standards.

(ii) Detailed landscaping plans for this site plan are to be approved by staff prior to the signature set and should reflect the design concepts, the sizes and planting conditions established in the submittal and to consider the climate suitability and their potential to be deer proof.

(jj) Final lighting plans for the internal streets to be comparable to the "Hagerstown" light fixture and shall be configured so as to reduce the glare into the night sky by utilizing appropriate wattage, shields or other techniques that are in conformance with utility company and MCDPS and MCDPW&T requirements.

(kk) Landscaping Plan shall show interim landscaping for the Town Square prior to the construction of adjoining units, for staff review and approval.

(ll) The MPDU townhouses in the Town Square District shall include recreation areas nearby; the site plan and record plats must identify all MPDU locations.

(mm) Landscape plans shall include a partial evergreen screen along Stringtown Road; detailed plans for greenway to include planting on steep slopes; additional planting within the SWM facilities; and a sidewalk connection from the street sidewalk to the property line from Street "O" to the adjoining church.

(nn) Developer may propose compatible changes to the units proposed, as market conditions may change, provided the fundamental findings of the Planning Board remain intact and in order to meet the Project Plan and Site Plan findings. Consideration shall be given to building type and location, open space, recreation, pedestrian and vehicular circulation, adequacy of parking, etc. for staff review and approval.

(oo) Developer shall work with the County executive staff to identify a suitable civic building to be located on the town square within the area to be dedicated for that use.

(pp) The Homeowners Association documents or equivalent shall include provision for: complete public use and access to private streets for vehicular and pedestrian use; that such streets shall be permanently open for public use; that the parking spaces may be assigned to individual units; that the HOA shall maintain specified streetscape items within the public right-of-way for Main Street and "K" Street as identified on the Signature Set, i.e., brick walks, lights, etc. Developer shall record a Declaration of Covenants among the Land Records of Montgomery County, Maryland, assuring the perpetual maintenance of all private streets, recreation areas, open spaces and stormwater management facilities. The level of maintenance of such areas for the entire project shall be of equal quality and not solely dependent upon contributions from an individual area.

(qq) There shall be no construction of units adjoining Mid-County Arterial in Block M, per Preliminary Plan #1-95042 Condition 16e, until the Mid-County Arterial is built.

(rr) The Planning Board recommends that the vertical alignment and grading of the landscape strip and bikeway along the northern ROW of Stringtown Road to be designed such that retaining walls are not required in the vicinity of the historic house, subject to the review and approval of MCDPS and MCDPW&T.

#### DEVELOPMENT PHASING PLAN

See pp. E-1 through E-6.

#### INSPECTION

1. Each phase of the project shall have three (3) separate inspections by the Montgomery County Planning Board. The first inspection shall occur after placement of protective devices around tree-save areas and before clearing and grading occurs. The second inspection shall occur at seventy percent (70%) occupancy of each phase. The third inspection shall occur upon completion of the work within each phase.

2. Each inspection described above shall be made promptly after receipt of written notice from Developer, and all reasonable efforts will be made by M-NCPPC to conduct the inspection and inform Developer of the results within ten (10) working days of the date of notice.

PHASING PLAN

1. General:

(a) The common areas and local recreational facilities for each Phase shall be completed and conveyed to the Association with any required improvements thereon no later than the earlier of:

(i) The date that the Deeds to Lots representing seventy percent (70%) of the Lots planned to be within such Phase have been delivered by Developer and title closed thereon, or

(ii) Sixty (60) months from the date of receipt of the initial building permit for a Unit in that Phase ("Local Recreational Facilities Completion Date"). *2007*

(b) All community-wide facilities within Site Plan 8-98001, must be completed and conveyed to the Association no later than the earlier of the receipt of a building permit for the 540<sup>th</sup> Lot/Unit or by fifteen (15) years from the date of the Site Plan Approval ("Community-Wide Facilities Completion Date"). All remaining common areas must be conveyed to the Association on or before the Community-Wide Facilities Completion Date. *Tran Sr. Pool.*

2. Stipulations:

(a) Prior to conveyance to the Association, all Lot Owners shall have the right to access and make use of all such common areas, except such areas as may reasonably and necessarily be prohibited by Developer for temporary safety reasons.

(b) Developer must construct all recreational facilities and convey such facilities and common areas within the timeframes contemplated in the Phasing Schedule and in these binding elements. Developer must arrange for inspections by Staff to ensure that all facilities are timely, correctly and completely constructed.

(c) All local and community-wide recreational facilities shall be designed and constructed in accordance with Parks Department standards and criteria and the adopted Recreational Facilities Guidelines.

(d) Developer shall warrant to the Association that all facilities have been constructed in a good and workmanlike manner.

(e) Unless the Planning Board has agreed to modify the Phasing Schedule, the Developer's failure to timely complete and turn over facilities and common areas shall operate to preclude Developer from receiving any additional building permits for that particular phase and all remaining phases until such time as the default is cured.

(f) The Developer may seek an amendment to any regulatory approval for the purpose of modifying the location and amount of real property comprising the common area and for the purpose of modifying the improvements to be constructed on such common area, including, but not limited to, the right not to construct such improvements, which amendment shall be reviewed by the Planning Board in accordance with applicable law. Such amendment shall be effective only if approved by the Planning Board.

### 3. Plat Recordation Phasing:

Developer shall record subdivision plats for the development in accordance with the following phasing schedule:

Phase I will consist of at least 200 units and will be recorded by March 26, 1999.

Phase II will consist of an additional approximate 569 units and will be recorded by March 26, 2002.

Phase III will consist of the remaining units (approximately 531 units) and will be recorded by March 26, 2005. The retail and office parcels will be recorded by March 26, 2005.

### 4. Park/School Dedication and Related Actions:

Preliminary Plan 1-95042 Condition No. 6 - Dedication of the proposed park/school, as shown on the Developer's revised preliminary plan drawing, is to be made to the M-NCPPC. In order to facilitate the implementation of the combined park/school facilities, the following provisions apply:

(a) M-NCPPC and the Developer hereby agree to an exchange of land, identified as areas "B1" and "B2" on the park/school concept drawing set out on Circle Page 49 of the staff report for Preliminary Plan 1-95042 dated September 22, 1995, a copy of which is attached hereto and made a part hereof as Exhibit "F", under such terms and conditions as the parties determine are necessary and appropriate. The precise boundaries of each parcel to be exchanged shall be determined when the area containing the exchange parcels receives site plan approval from the Planning Board and a final subdivision plat for such parcels



is prepared and recorded among the Land Records. The dedication shall occur contemporaneously with the subdivision plat recordation.

(b) Dedication of the approximately 8-acre area, identified as Area "A" on the same park/school concept drawing identified above, will occur either at the time of recordation of the plats for the adjacent phase of the project or at such time as funds for 100% construction of the future elementary school are added to the County CIP, whichever occurs first. Under no circumstances shall Developer be obligated to construct road access to the park/school site.

(c) The Developer will provide site grading, infield preparation and seeding of the replacement athletic fields on the approximately 8 acres of dedicated land at a time which insures that there will be no disruption in the continued use of the existing athletic fields prior to completion of the replacement athletic fields. Seeding shall be done to Parks Department specifications.

(i) In the event that dedication occurs when funds for the proposed school are shown in the CIP, applicant will complete work on the replacement fields prior to the construction of the proposed school.

(ii) In the event that dedication occurs prior to funding for the school being shown in the CIP, then upon construction of Street "F", as shown on the revised preliminary plan, applicant will commence work on replacement of the baseball field. In addition, if at site plan it is determined that there is sufficient earth material on site to construct both replacement fields, then applicant will also rough grade and seed the replacement soccer field when construction of Street "F" begins. Area tabulations for the proposed park/school complexes to be submitted for technical staff review at site plan. Final grading plan for the park/school site to be submitted for technical staff approval as part of the site plan application.

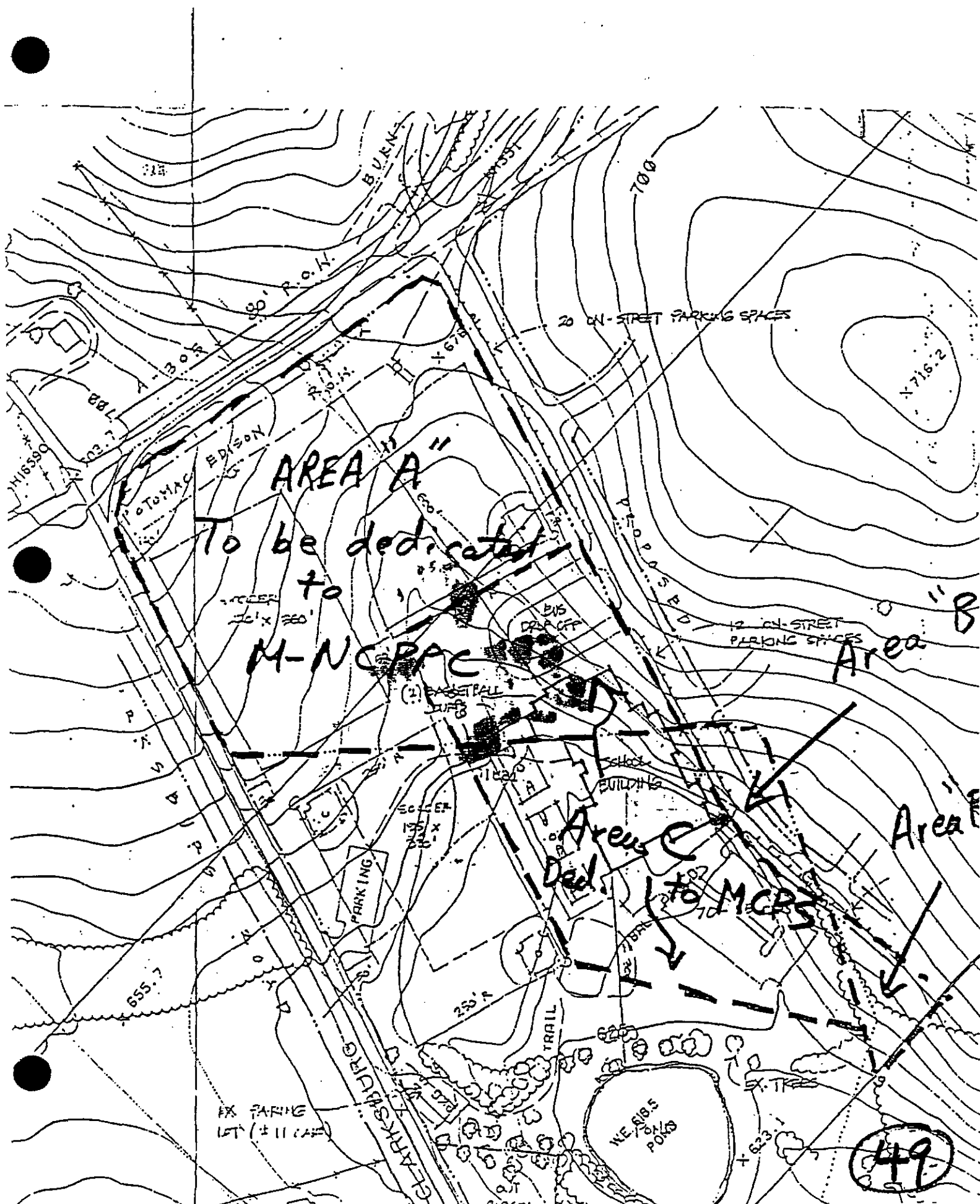
Preliminary Plan 1-95042 Condition No. 7 - In accordance with Preliminary Plan 1-95042 Condition No. 6, Developer hereby agrees to enter into an agreement with the Planning Board to provide for site grading, infield preparation and seeding of the replacement athletic fields in accordance with Parks Department specifications, as shown on the approved preliminary plan drawing, and as specified in the Department of Parks' memorandum dated September 22, 1995, a copy of which is attached hereto and incorporated herein in full as Exhibit "G". Such agreement shall be executed by Developer prior to the

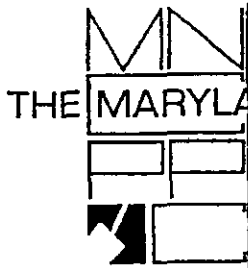
commencement of construction of the replacement athletic fields as specified in Paragraph 4(c) above.

5. Effect:

It is agreed by the parties that the Developer has modified the site and landscape plans as required by the Planning Board's conditions of approval for Site Plan Review 8-98001 as set forth herein. Such modifications are reflected in the approved signature set of drawings.

## CLARKSBURG TOWN CENTER





THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Department of Parks, Montgomery County, Maryland  
9500 Brunett Avenue • Silver Spring, Maryland 20901

September 22, 1995

MEMORANDUM

TO: Joe Davis, Development Review

VIA: Terry H. Brooks, Chief, Park Planning and Development *THB*

FROM: Tanya K. Schmieler, Park Planning and Development *TKS*  
Eugene Elliott, Park Planning and Development *EML*

SUBJECT: Preliminary Plan 1-95042 - Clarksburg Town Center

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The purpose of this memorandum is to present comments on the park/school site proposal for Preliminary Plan 1-95042- Clarksburg Town Center.

RECOMMENDATION

The Department of Parks recommends that if a park school is located at this site, the following should be required.

1. The park-school site should include sufficient land area to accommodate the current recreation facilities at the existing Kings Local Park, plus standard facilities associated with a new elementary school, sufficient parking, and adequate buffer separation between facilities and roadways and the power line, to allow for safety and grading. The attached sketch plans achieve these objectives.
2. The developer should dedicate the area adjacent to the power lines to M-NCPPC Department of Parks (Area "A"). As the park site was purchased with Program Open Space Funding, approval of the Maryland Board of Public Works is necessary to accommodate a land exchange. This approval is generally granted if the exchange site is of equal or greater acreage and recreational benefit. Following site plan approval, M-NCPPC would apply to the Board of Public Works for permission to exchange the new dedication for the small area needed by the developer for the proposed road adjacent to the site (Area "B 1"), and the area needed by BOE for the

*Yours for life*

MONTGOMERY COUNTY PARKS

44

school building, parking and bus drop off basketball court and playground (Area "B 2"). The ballfield area would be retained by M-NCPPC, but could be utilized by the school during the school day.

M-NCPPC would grant an easement for the land needed by the developer for the proposed road (Area "B 1") and the land would be deeded to the developer following his grading and seeding to park specifications of the proposed athletic fields and parking area within (Area "A"). The new road will reduce the size of the existing softball field and the field may need to be closed during road construction. (Department of Parks would provide goals, backstops and gravel for parking lot).

Land needed for the proposed school would be deeded to the Board of Education when they have approved monies in the Capital Improvements Program for school construction. There is precedent for this at a few other park-school sites (Clear Spring, Germantown Estates and Blueberry Hills) where entire park-school site has been held by M-NCPPC until school construction.

3. The site will serve as a park until school construction occurs. If the Board of Education ultimately determines that a school is not needed at this location, the entire site will be retained as a public park.
4. The 5 acre portion of the park that contains the pond, picnic/playground and small parking lot should remain intact and available for use by the general public.

#### BACKGROUND INFORMATION

Over the last several months staff from the Department of Parks, Department of Planning, and Montgomery County Schools have been working towards the delineation of a park school site that meets the objectives outlined above. The Department of Parks is not opposed to the park/school concept, but sites previously recommended by the developer did not meet these objectives.

The existing Kings Local Park site currently serves the Clarksburg Community and will also be utilized by the future residents of Clarksburg Town Center. If a school is needed to serve the approximately 1300 units proposed on the Plan, it should be constructed with the standard acreage and facilities provided at other elementary schools.



## PARK AND SCHOOL REQUIREMENTS

A summary of the space requirements for a park/school site at this location are as follows:

### Park Requirements-

Retention of current park facilities at Kings Local Park including:

Kings pond, picnic area, playground and parking- 5 acres  
Softball field - 315' outfield  
Soccer field- 220 x 360'  
Parking- 30 spaces existing (additional planned spaces)

### Elementary School Requirements-

Montgomery County Public Schools (MCPS) has indicated that all school facilities must be at least 600 feet from the electric power line. Elementary school program requirements as conveyed by MCPS are as follows.

School building to accommodate 640 students- 87,000 square feet  
2 Multi- use court areas (each 80'x 100'ft)  
Playground (75'x 75')  
Small fenced kindergarden playground 40'x 60'  
Pre-school playground 40'x 60'  
Bus turnaround and car drop off areas  
Service access and service drive  
70 parking spaces  
2 softball fields- (250'outfields)  
1 football/soccer overlay

### Other Requirements-

Buffering - Adequate space is needed for grading and safe distances between facilities. It is recommended that 50 feet be provided between all facilities as well as the road, and that a 100 ft buffer be retained from the power line.

Parking - This facility will result in a total of three community use fields and a practice field. Our parking standard is 50 on-site parking spaces per field. If the elementary school has 70 parking spaces, the park should provide 75-80 spaces to fully provide for the need. On-street parking area should not be used to calculate this parking requirement but can provide for overflow parking needs.

Topography - The parks Department requires gentle slopes which do not exceed a ratio of 4:1 in order to accomodate our grass mowers for maintenance purposes. At least one of the athletic fields must meet ADA guidelines.

Storm Water Management - It is our understanding that storm water management for the school site will be provided by a new pond in the greenway to the south of the school site. This pond should not be maintained by M-NCPPC.

#### Relationship of Current Plan to Site Requirements Listed Above-

The concept development plan would achieve recreation facility requirements. When the school is constructed, an area for additional on site parking will need to be determined, and could possibly be provided adjacent to the power line. Buffering requirements are not fully met, but it is anticipated that with some safety fencing and buffer planting, problems will be minimal.

#### SITE PROPOSALS

While specific site layouts can be determined by the Commission at the regulatory site plan review stage, it is necessary to establish the configuration of the park/school site and adjacent roadways now. The workability of this concept depends on the placement of the school related facilities within area C. It is our understanding that architects from the Board of Education have concurred that a school can be accommodated within this area.

#### Development of the Site Is Being Suggested In Two Phases:

##### Phase 1 - Recreational Use of the Site

Phase I retains the current park facilities in their present configuration and does not require regrading of the park site until school construction occurs. (see attached sketch). It would provide the minimum amount of distrupction to the existing park users. It recommends having the developer locate two full size park facilities adjacent to the power line to replace the existing large fields that will be reduced in size when the road and the school are constructed. On an interim basis, four fields will be available for public use until the school is constructed. These fields will be used by northern area childrens and adults teams. The two new fields will continue to be usable during school construction.

## Phase II - Park-School Use of the Site

Phase II would occur when the Board of Education is ready to place a school on the site. It would retain the new fields adjacent to the power line, but requires regrading of the majority of the current park site to accommodate the new school and to realign the ballfield areas. It realigns the fields on the park property and downsizes them for school use. Existing park fields would be taken out of play during reconstruction and turf establishment (18-24 months).

## CONCLUDING COMMENT

The Department of Parks is supportive of the park/school concept for Clarksburg Town Center. Although the implementation of this proposal severely impacts the existing Kings Local Park site, cooperative efforts to place both facilities in this location adjacent to the greenbelt is very beneficial to the public and fits with the overall innovative Town Center Development Concept. If a school is not ultimately needed at this location, the entire site should be retained as a public park.

The map is a hand-drawn topographic representation of a park area. It features several key elements:

- Handwritten Annotations:**
  - AREA "A"** is written in large, bold letters in the upper left quadrant.
  - To be dedicated to M-NCPAC** is written below AREA "A".
  - Area C** is written in the lower right quadrant.
  - Ded. to MCRS** is written below Area C.
  - A circled number **49** is located in the bottom right corner.
- Geographic Features:**
  - Paths:** A network of paths is shown, including a path labeled **POTOMAC**, a path labeled **CLARKSBURG**, and a **TRAIL**.
  - Landmarks:** A **BUS STOP** is marked near the center. **SCHOOL BUILDINGS** are indicated in the lower right. A **NEIGHBORHOOD POOL** is shown in the bottom right corner.
  - Parking:** A **PARKING** area is marked near the center.
  - Streets:** A street labeled **CLARKSBURG** runs diagonally across the map.
- Topographic Details:**
  - Contour lines are drawn to represent elevation.
  - Various numerical labels (e.g., 100, 200, 300, 400, 500, 600, 700, 800, 900, 1000) are scattered throughout the map, likely representing elevation or distance.

Area C  
Del. (to MCP)

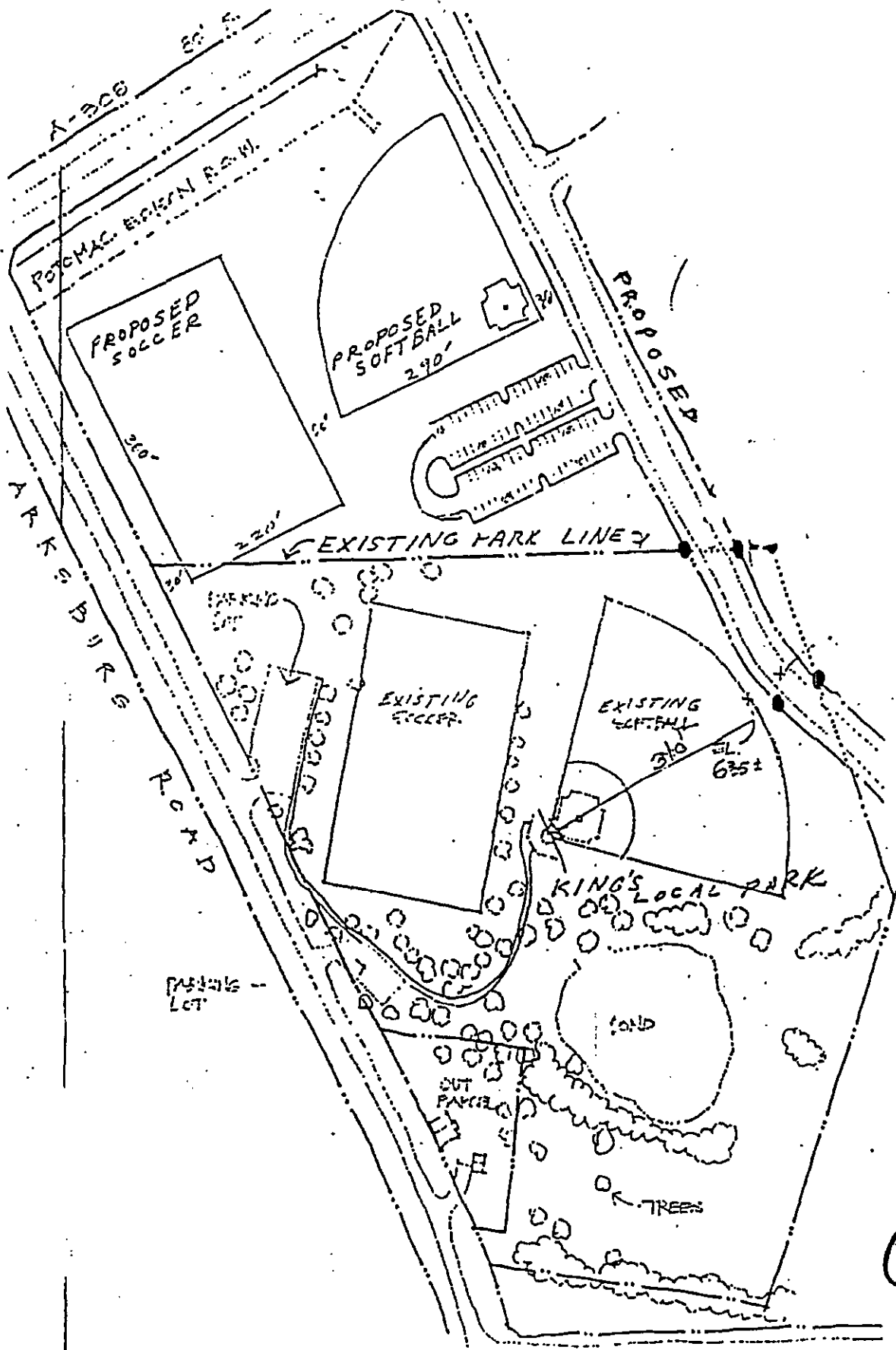
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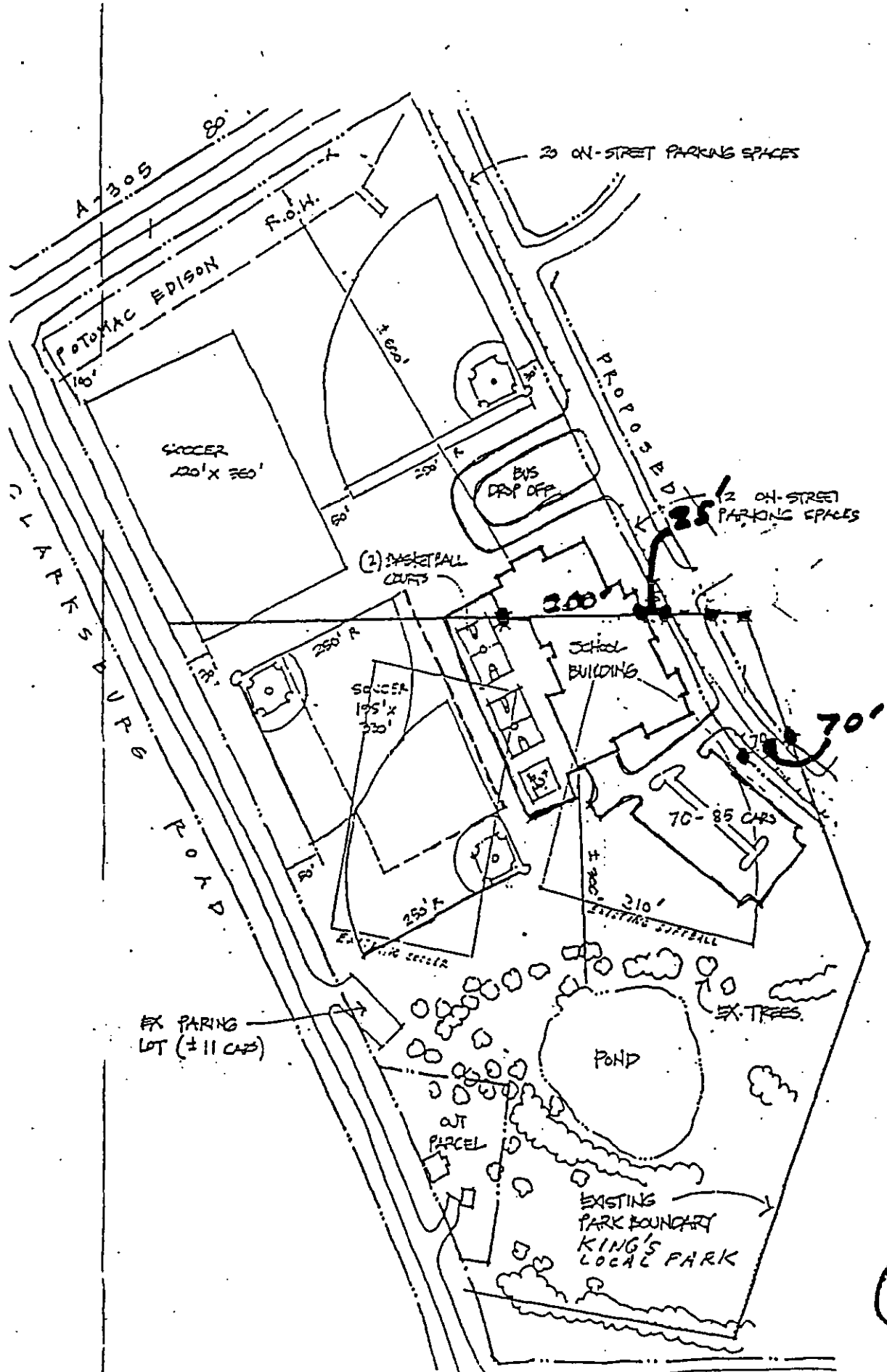
# CLARKSBURG TOWN CENTER

## PHASE I



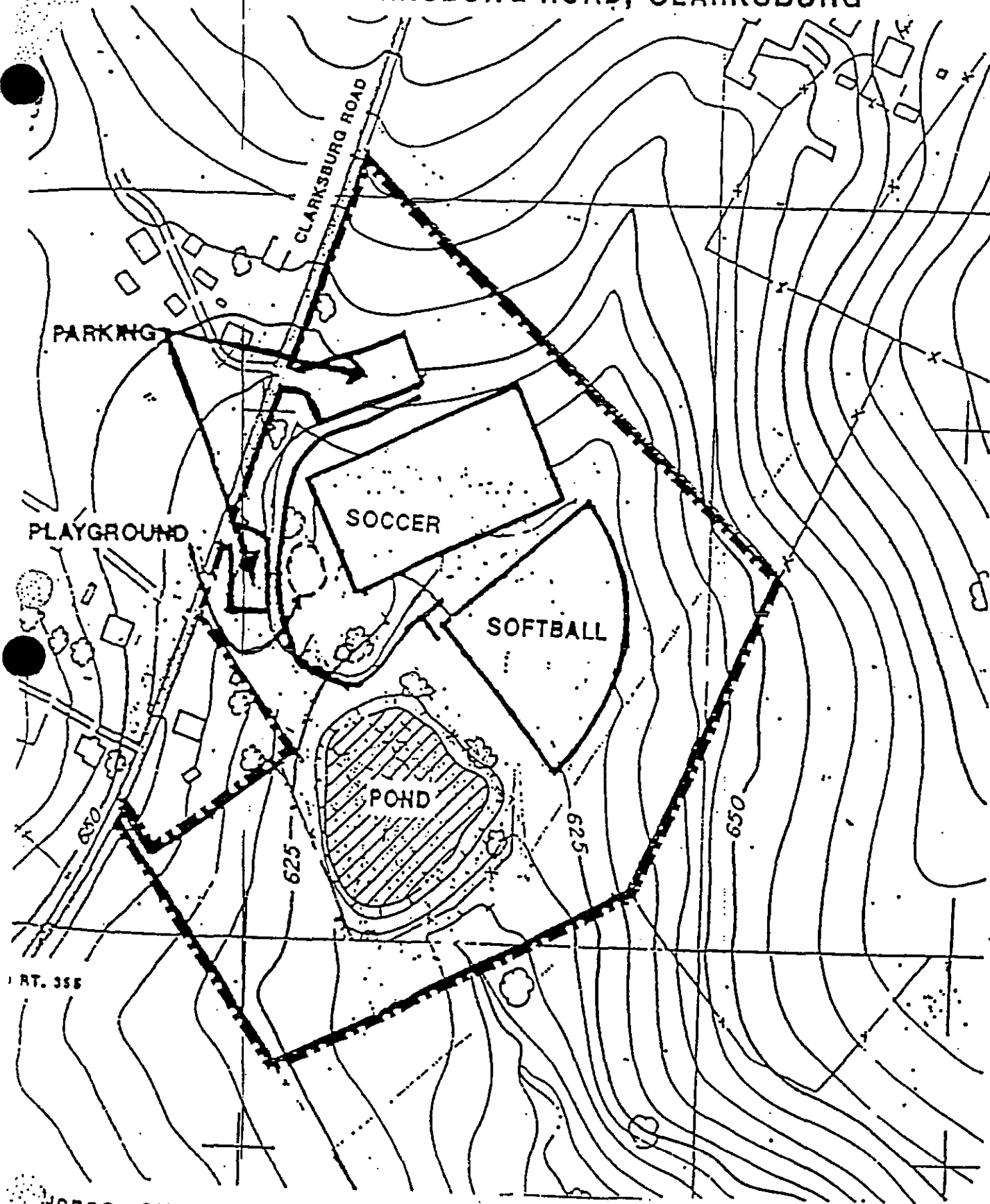
# CLARKSBURG TOWN CENTER

## PHASE II





23715 CLARKSBURG ROAD, CLARKSBURG



NCPPC STAFF GUIDE 5-1E

SCALE 1" = 200'

ACREAGE

13.8

FACILITY CODE

D81

REGION I, AREA A



## SITE PLAN ENFORCEMENT AGREEMENT

This Agreement by and between Terrabrook Clarksburg, L.L.C. ("Applicant"), and the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission ("Planning Board"), is effective the date signed by the Planning Board.

WHEREAS, § 59-D-3.3 of the Montgomery County Code ("Code") requires the Applicant, as part of the site plan review process, to enter into a formal agreement with the Planning Board; and

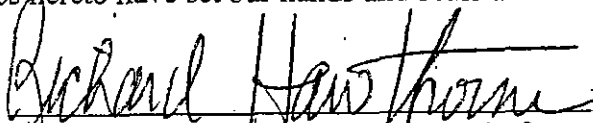
WHEREAS, the Code requires the Applicant to agree to execute all features of the approved site plan noted in § 59-D-3.23 in accordance with the development program required by § 59-D-3.23(m).

NOW THEREFORE, in consideration of the mutual promises and stipulations set forth herein and pursuant to the requirements of § 59-D-3.3 of the Code, the parties hereto agree as follows:

1. The Applicant agrees to comply with all of the conditions set forth in the Planning Board's Opinion and to execute all of the features of approved Site Plan No. 8-02014 ("Site Plan") (Exhibit "A"), including all features noted in § 59-D-3.23, in accordance with the approved Development Program required by § 59-D-3.23(m), attached and incorporated herein by reference.

2. This Agreement is binding on the Applicant, its successors and assigns, and on the land and improvements in perpetuity or until released in writing by the Planning Board.

IN WITNESS WHEREOF, the parties hereto have set our hands and seals as of the date and year set forth below.

  
Montgomery County Planning Board of  
The Maryland-National Capital Park and  
Planning Commission

10/14/04  
Date

APPROVED AS TO LEGAL SUFFICIENCY

TAB  
M-NCPPC LEGAL DEPARTMENT

DATE 10/14/04

TERRABROOK CLARKSBURG, L.L.C.,  
a Delaware limited liability company

By: WESTERRA MANAGEMENT, L.L.C.,  
a Delaware limited liability company,  
its authorized representative

By:   
Tracy Z. Graves  
Assistant Vice President

## EXHIBIT B

### RESIDENTIAL DEVELOPMENT PROGRAM – SITE PLAN NO. 8-02014

The Project will be developed in 1 phase as set forth in this Development Phasing Plan.

Phase	Units/ Lots in Phase	ID Common Areas in Phase	Local Recreational Facility in Phase *	Community Wide Recreational Facilities *	Plat Recordatio n Due Date for Phase	Begin Construction of Units (estimated)	Turnover Common Area/ Community Wide Facilities to HOA (estimated)
1	487 (including 46 MPDUs to be constructed along with, or preceding market rate units, and the last building built must not contain only MPDUs)	Parcel H, Block A; Parcels A, B, C, Block J; Parcels A, D, Block M; Parcel A, Block N; Parcel B, Block R; Parcels A, C, Block V; Parcel A, Block W; Parcel A, Block X	Nature trail, lawn seating, arbors, tot lot, pathway, park/school site	Community Center w/mtg. rooms, exercise room, pool; playgrounds; neighborhood parks and trails	3/26/05	10/01/03	06/01/05

\* See Site Plan for details.

1. (a) Applicant will complete the following site plan elements prior to occupancy of units constructed in that phase or section, as applicable:

- (1) Paving of roads (excluding final topping)
- (2) Parking areas
- (3) Sidewalks (on-site)
- (4) Lighting (street and parking lot)
- (5) Grading
- (6) Landscaping (adjacent to building(s))
- (7) Foundation landscaping (single-family dwellings)
- (8) Pathways (only when located between two residential units)
- (9) Fences or noise berms

- (b) Applicant will complete the following site plan elements prior to 70% occupancy of approved units in that constructed phase or section, as applicable.

- (1) Sidewalks (off-site)
- (2) Pedestrian pathways and bikeways
- (3) Parking lot and perimeter landscaping
- (4) Recreation facilities
- (5) Landscaping

- (6) Final topping of roads and parking lots in areas with completed residential units
- (c) Street tree planting must progress as street construction is completed, but no later than (6) months after completion of the units adjacent to those streets.
- (d) Other stipulations as required by the PLANNING BOARD and detailed in Exhibit B-1, attached and incorporated herein. If no other stipulations are required, Exhibit B-1 to be attached stating "None."
- (e) Applicant shall send written notice to MNCPPC's Inspection Unit to initiate scheduling of site inspections at the following milestones:
  - (1) Applicant shall conduct a preconstruction meeting with MNCPPC staff and MCDPS sediment control staff prior to clearing and grading.
  - (2) At 70% occupancy.
  - (3) At 100% completion.

2. (a) Local Recreational Facilities

The Local Recreational Facilities, including all required improvements and associated Common Area for each Phase, shall be conveyed to the Association by the earlier of:

- (1) the date that applicants have closed on title to seventy percent (70%) of lots or units planned with such Phase; or
- (2) 36 months from the date of receipt of the initial building permit for a lot or unit in that Phase.

(b) Community-Wide Recreational Facilities

- (1) All Community-Wide Recreational Facilities and related Common Areas must be completed and conveyed to the Association as established in the above Phasing Plan. If Phases are delayed, all uncompleted Community-Wide Facilities must be completed and turned over no later than the earlier of the receipt of a building permit for the 341<sup>st</sup> unit within the area covered by Site Plan 8-02014 or by January 1, 2007 ("Community-Wide Facilities Completion Date"). All unconveyed Common Areas (whether or not associated with local or Community-Wide Recreational Facilities) also must be transferred to the Association by the Community-Wide Facilities Completion Date.

3. General Provisions

- (a) Before conveyance to the Association, all lot owners shall have the right to access and make use of all Common Areas, except those areas as may reasonably and necessarily be restricted by Applicant for temporary safety reasons.
- (b) Applicant must construct all Recreational Facilities and convey such facilities and related Common Areas within the time frames contemplated in the Phasing Schedule and in these binding elements. Applicant must arrange for inspections by staff to ensure that all facilities are timely, correctly and completely constructed.
- (c) All local Community-Wide Recreational Facilities shall be designed and constructed in accordance with Parks Department standards, criteria, and MNCPPC's adopted Recreational Facilities Guidelines.
- (d) Applicant shall warrant to the Association that all facilities have been constructed in a good and workmanlike manner and are fit for each of their intended purposes.
- (e) Unless the Planning Board has agreed to modify the Phasing Schedule, the Applicant's failure to timely complete and turn over facilities and Common Areas shall operate to preclude Applicant from receiving any additional building permits for that particular phase and all remaining phases until such time as the default is cured.
- (f) The Applicant may seek an amendment to any regulatory approval for the purpose of modifying the location and amount of real property comprising the common area and for the purpose of modifying the improvements to be constructed on such common area, including, but not limited to, the right not to construct such improvements, which amendment shall be reviewed by the Planning Board in accordance with applicable law. Such amendment shall be effective only if approved by the Planning Board.

4. Applicant has entered into a Land Exchange Agreement, dated June 16, 2004 ("Land Exchange Agreement"), and Construction and Grading Easement Agreement, dated June 28, 2004 ("Easement Agreement"), with Montgomery County Public Schools and MNCPPC concerning the park/school site, per Conditions 6 and 7 of Preliminary Plan No. 1-95042, repeated herein verbatim. To the extent the following conditions of preliminary plan approval conflict with any provisions in the Land Exchange Agreement or Easement Agreement, the provisions of the Land Exchange and Easement Agreements control:

- "6. *Dedication of the proposed park/school, as shown on the Applicant's revised preliminary plan drawing, is to be made to M-NCPPC. In order to facilitate the implementation of the*

*combined park/school facilities, the following provisions apply:*

- (a) M-NCPPC and the Applicant will enter into an agreement specifying that an exchange of land, identified as areas "B1" and "B2" on the park/school concept drawing set out on Circle Page 49 of the staff report, will occur prior to the execution of the Site Plan Enforcement Agreement.*
- (b) Dedication of the approximately 8 acre area, identified as Area "A" on the same park/school concept drawing identified above, will occur either at the time of recordation of the plats for the adjacent phase of the project or at such time as funds for construction of the future elementary school area added to the County CIP, whichever occurs first.*
- (c) The Applicant will provide site grading, infield preparation and seeding of the replacement athletic fields on the approximately 8 acres of dedicated land at a time which insures that there will be no disruption in the continued use of the existing athletic fields prior to completion of the replacement athletic fields.*
  - (i) In the event that dedication occurs when funds for the proposed school are shown in the CIP, Applicant will complete work on the replacement fields prior to the construction of the proposed school.*
  - (ii) In the event that dedication occurs prior to funding for the school being shown in the CIP, then upon construction of Street "F", as shown on the revised preliminary plan, Applicant will commence work on replacement of the baseball field. In addition, if at site plan it is determined that there is sufficient earth material on site to construct both replacement fields, then Applicant will also rough grade and seed the replacement soccer field when construction of Street "F" begins. Area tabulations for the proposed park/school complexes to be submitted for technical staff review at site plan. Final grading plan for the park/school site to be submitted for technical staff approval as part of the site plan application.*



7. *In accordance with Condition #6 above, Applicant to enter into an agreement with the Planning Board to provide for site grading, infield preparation and seeding of the replacement athletic fields in accordance with Parks Department specifications, as shown on the preliminary plan drawing, and as specified in the Department of Parks' Memorandum dated September 22, 1995. The construction of the replacement athletic fields must occur as specified in Condition #6.*

5. Applicant shall comply with the terms of the Adequate Public Facilities Agreement for Clarksburg Town Center dated March 8, 1999, including the phasing requirements set forth in Condition No. 16 of Preliminary Plan No. 1-95042 as follows:

*"16. The following phasing requirements are conditioned upon issuance of building permits for the subject preliminary plan:*

*(a) The first 44 dwelling units without any off-site road improvements.*

*(b) After the 44<sup>th</sup> building permit, the developer must start reconstruction of the southbound right turn lane along MD 355 at MD 121 to provide a "free flowing" movement.*

*(c) After the 400<sup>th</sup> building permit, the developer has two options:*

*1) Construction of A-260 from MD 355 to the southern access road of the commercial site (commercial access road between A-260 and P-5) and construction of P-5 across the stream valley into the residential area north of stream valley.*

*2) Construction of A-260 from MD 355 to the northern access road of the residential development and construction of a northbound right-turn lane along MD 355 at A-260 should be included in this phase.*

*(d) After the 800<sup>th</sup> building permit, the developer must start construction of remaining section of A260 to A-305 and intersection improvements at MD 355 and MD 121 to construct eastbound and westbound left-turn lanes along MD 121.*

*(e) Construction of A-305 from A-260 to MD 121 must begin when the developer starts building any of the residential units on blocks 11, 12, 13, and the northern half of block 10,"*

Exhibit B-1

ATTACHED SITE PLAN OPINION

W:\TAB\RegulatoryAgreements\SPEA\ClarksburgTownCenter.TAB\edits.10-14-04.clean.doc

MONTGOMERY COUNTY, MARYLAND  
DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS  
100 Maryland Avenue, 4th Floor, Rockville, Maryland 20850

AGREEMENT TO BUILD MODERATELY PRICED DWELLING  
UNITS FOR A PERMIT OF 50 OR MORE DWELLINGS

CLARKSBURG TOWN CENTER

THIS AGREEMENT dated the 31<sup>st</sup> day of May, 2002, by and between TERRABROOK CLARKSBURG, L.L.C., a Delaware limited liability company (herein "Applicant") and MONTGOMERY COUNTY, MARYLAND (herein "County").

WHEREAS, the Applicant plans to construct 50 or more dwelling units in the subdivision known as Clarksburg Town Center located in Montgomery County, Maryland in the RMX-2 Zone; and

WHEREAS, the provisions of Chapter 25A of the Montgomery County Code, 1994, as amended, require that a percentage of the total number of dwelling units in a residential development project be moderately priced dwelling units (MPDUs); and

WHEREAS, the County is willing to issue building permits for the construction of dwelling units under the terms stated in the Agreement and pursuant to the provisions of Chapter 25A of the Montgomery County Code, 1994 as amended; and

WHEREAS, the Applicant and the County anticipate either amending this Agreement or entering into subsequent agreement(s) to build additional MPDUs within the Clarksburg Town Center pursuant to subsequent site plan approval(s).

NOW, THEREFORE, in consideration of the mutual promises, conditions and obligations provided for herein, and to comply with Section 7-506.1, the parties hereto agree as follows:

1. Applicant agrees to construct 1,300 total dwelling units in the subdivision, including 163 MPDUs, in strict accordance with the construction schedule attached hereto and made a part hereof as Exhibit "A".
2. All land owned by the Applicant in whole or in part or which is under contract to the Applicant in Montgomery County, Maryland, which is available for residential building development is shown on the Statement of Land Owned, attached hereto, and made a part hereof as Exhibit "B".
3. The Applicant shall construct MPDUs along with or preceding market rate dwelling units in the subdivision, and the County agrees that compliance with the construction

schedule in Exhibit "A" shall satisfy the MPDU staging requirement and the provisions of Section 25A(5)(i) of the Montgomery County Code, 1994 as amended.

4. The County will issue building permits and use and occupancy permits as requested by the Applicant for Clarksburg Town Center. Applicant acknowledges County's authority to suspend or revoke any or all building or occupancy permits issued to Applicant for Clarksburg Town Center and/or to suspend or deny the issuance of all subsequent permit requests by Applicant for Clarksburg Town Center, and/or invoke any other of the enforcement measures authorized by Section 25A-10 of the Montgomery County Code, 1994, as amended, and Executive Regulations adopted pursuant thereto, for failure to comply with this Agreement.

5. (a) Applicant must offer MPDUs for sale or rental in accordance with the requirement of Chapter 25A of the Montgomery County Code, 1994, as amended, and in accordance with any Executive Regulations promulgated, or as may be promulgated, in the furtherance of said Chapter. Applicant agrees to offer the MPDUs for sale or rent by completing fully and truthfully the Offering Agreement form provided by the Department of Housing and Community Affairs. The Contract of Sale or the Lease executed by Applicant for the sale or rental of any MPDU must contain language imposing a covenant running with the land invoking the requirements of Chapter 25A. This provision is not to be construed as granting the rental option to those Applicants who are not eligible to rent their MPDUs according to the provisions of Chapter 25A.

(b) Applicant must, at the time the Contract of Sale or Rental Agreement is executed or otherwise agreed to, or entered into, by Applicant, whether written or oral, or at such other time as may be requested by the County, execute a separate Declaration of Covenants, to run with the land, subjecting the MPDUs to the requirement of Chapter 25A, Montgomery County Code, 1994, as amended.

(c) The Contract of Sale, Deed, Lease and the separate Declaration of Covenants must contain language as contained in Exhibit "C" attached hereto and made a part hereof. In addition, the duly recorded Deed or executed Lease Agreement must contain specific language, in conspicuous form, subjecting the herein referred property to the Declaration of Covenants, which language shall contain the date of recordation and the Liber and Folio reference of the said duly recorded Declaration of Covenants.

(d) The Declaration of Covenants contained in Exhibit "C" must be fully executed by the Applicant and must contain the necessary jurat for either individual or corporate

signatures, as the case may be, in such form as may be required to properly record said Declaration of Covenants among the Land Records of Montgomery County, Maryland. Said Declaration of Covenants must be returned to Montgomery County for approval, execution and recordation by Montgomery County among the Land Records.

6. Applicant, his agents, heirs, assigns or successors, hereby irrevocably assigns to Montgomery County, Maryland, all its right, title, interest and obligation to enforce the provisions of the Declaration of Covenants referred to herein during the term the Covenants are in effect; to institute any proceeding in law or equity for the collection of such sums as may be in excess of those allowed by law; or to enjoin any violation or attempted violation of said Covenants or the provisions of Section 25A of the Montgomery County Code, 1994 as amended.

7. Applicant must provide a copy of the final Contract of Sale or Lease Agreement for each MPDU covered by the building permits issued under the Agreement to the County, as well as settlement sheets and such other documents and information as may be required by Executive Regulations.

8. The County shall be entitled to enter upon the property and/or into the subject unit or units for purposes of inspection at all reasonable times to determine compliance with the Agreement.

9. The number, type, location and development phases of the MPDUs to be constructed by Applicant are shown on the approved site plan attached hereto and made a part hereof as Exhibit "D".

10. A waiver by the County of a specific default must be in writing from the County, and shall not be a waiver of any other subsequent default of similar or different nature.

11. No failure on the part of the County to exercise, and no delay in exercising, any right to remedy permitted by law or pursuant to this Agreement will operate as a waiver thereof.

12. Applicant may make written application to the Director of the Department of Housing and Community Affairs or designee for a modification of the construction schedule set forth on Exhibit "A", describing the basis for such change. The Director or designee must review the application and make a final determination on the request which must be delivered to the Applicant within thirty days. Applicant may not depart from the schedule set forth on Exhibit "A" without the prior approval of the Director or designee.

13. Any notices sent pursuant to this Agreement must be delivered in writing to:

Montgomery County:  
*ERIC LARSEN*  
Department of Housing and Community Affairs  
100 Maryland Avenue, 4th Floor  
Rockville, Maryland 20850

Applicant:  
Terrabrook Clarksburg, L.L.C.  
c/o Tracy Z. Graves  
General Manager  
Terrabrook  
42935 Waxpool Road  
Ashburn, VA 20148

14. No member, officer or employee of the County, and no other public official of the County will either exercise any function or responsibility with respect to the subject matter of this Agreement during his or her tenure, or for one year thereafter have any interest, direct or indirect, in the subject matter of this Agreement. This section will not be construed to prohibit any such person from owning an MPDU as a personal residence.

15. This Agreement is binding upon the agents, successors, heirs and assigns of the Applicant. The foregoing notwithstanding, the obligations and liabilities of Applicant shall apply for only so long as Applicant is the fee simple owner of the property. When Applicant ceases to own a fee simple interest in the property, the obligations and liabilities of Applicant shall automatically become the obligations and liabilities of Applicant's successor-in-interest, and Applicant shall automatically be relieved of any further obligation or liability hereunder.

16. The terms of this Agreement will survive the execution and delivery of any deeds or leases, and shall not merge therein.

17. Applicant agrees to abide by and comply with all applicable laws and regulations regarding the subject matter of this Agreement, whether or not such laws or regulations are herein specifically enumerated or referred to, including those amendments described in Montgomery County Council Bill No. 25-88, if applicable, and Applicant agrees to sign such documents as may be required to effectuate the intent and purpose of this Agreement.

18. The County shall, from time to time, upon not less than ten (10) days' notice from Applicant, execute and deliver to Applicant and/or any mortgagee and/or purchaser of all or a portion of the Project, from time to time, a certificate in recordable form, stating (i) that this Agreement is unmodified and in full force and effect, or, if modified, that this Agreement is in full force and effect as modified and stating the modification, and (ii) whether or not Applicant is



in default in any respect under this Agreement, and, if in default, specifying the nature of such default.

IN WITNESS WHEREOF, Applicant has caused these presents to be executed by its Authorized Representative and its corporate seal to be affixed, and does hereby appoint Tracy Z. Graves as its true and lawful attorney-in-fact to acknowledge and deliver these presents, and Montgomery County, Maryland has on the day and year hereinabove written caused these presents to be signed by Elizabeth B. Davison representing the Department of Housing and Community Affairs, and does hereby appoint the said Elizabeth B. Davison its true and lawful attorney-in-fact to acknowledge and deliver these presents.


WITNESS/ATTEST:

APPLICANT:

TERRABROOK CLARKSBURG, L.L.C.,  
a Delaware limited liability company

By: WESTERRA MANAGEMENT, L.L.C.,  
a Delaware limited liability company,  
its authorized representative




BY:   
Tracy Z. Graves  
Assistant Vice President

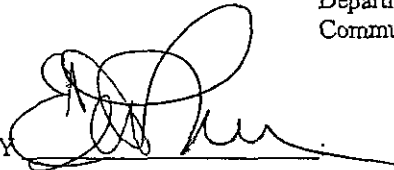
WITNESS/ATTEST:

MONTGOMERY COUNTY, MARYLAND



BY:   
Elizabeth B. Davison, Director  
Department of Housing and  
Community Affairs

STAFF REVIEW BY



STATE OF ~~MARYLAND~~ Virginia  
COUNTY OF ~~MONTGOMERY~~ Loudoun

I HEREBY CERTIFY that before me, a Notary Public in and for the aforesaid jurisdiction, personally appeared Tracy Z. Graves, attorney in fact for Applicant who is personally well known to me as the person named as attorney-in-fact in the foregoing instrument, and as attorney-in-fact, as aforesaid executed and acknowledged the foregoing instrument in the name and on behalf of Applicant, for the uses and purposes herein contained.

WITNESS my hand and seal this 31<sup>st</sup> day of May, 2002.

My Commission Expires: 08/31/05

  
NOTARY PUBLIC



STATE OF MARYLAND  
COUNTY OF MONTGOMERY

I HEREBY CERTIFY that before me, a Notary Public in and for the jurisdiction aforesaid, personally appeared Elizabeth B. Davison, attorney in fact for Montgomery County, Maryland, who is personally well known to me, and as attorney-in-fact as aforesaid, and by virtue of the power vested in her, executed and acknowledged the foregoing instrument to be the act and deed of Montgomery County, Maryland for the uses and purposes herein contained.

WITNESS my hand and seal this 6<sup>th</sup> day of JUNE, 2002.

My Commission Expires: 8/1/05

  
NOTARY PUBLIC

EXHIBIT "A"  
CONSTRUCTION SCHEDULE

In compliance with Chapter 25A of the Montgomery County Code, 1994, as amended, Applicant agrees that the Units in Clarksburg Town Center will be constructed in accordance with the schedule indicated below. Applicant is aware that this schedule must indicate that the MPDUs shall be constructed along with, or preceding, other dwelling units in Clarksburg Town Center and that failure to comply with this schedule may result in suspension or revocation of any building permit, occupancy permit or subdivision plan associated with the project described herein or such other enforcement measure authorized by Chapter 25A of the Montgomery County Code, 1994, as amended. The MPDU staging plan must be consistent with the site plan enforcement agreement. The Applicant must sequence the construction of the MPDUs so that the construction of MPDUs reasonably coincides with the construction of the market rate housing. Subject to the construction schedule below, the last building built must not contain only MPDUs.

Development Phase	No. Of Market Priced Units	Approx. Mo. & Yr. Of Constr. 1/ Start of Mkt. Price Units*	Approx. Mo. & Yr. Of Constr. 2/ Completion of Market. Price Units*	Number of MPDUS	Approx. Mo. & Yr. Of Constr. Start of MPDUs*	Approx. Mo. & Yr. Of Constr. Completion of* MPDUs
1B-1	23	11/01	04/02	0	N/A	N/A
1B-2	115	02/02	08/02	9	06/02	12/02
1B-3	154	11/02	05/03	17	03/03	09/03
2	487	05/03	11/03	46	09/03	03/04
1A	165	11/02	05/03	23	03/03	09/03
3	356	11/03	05/04	68	03/04	09/04

Total Units

1. "Construction Start" is defined as the date on which footings are poured for the subject units.
2. "Construction Completion" is defined as the date that final inspections by the Department of Permitting Services are completed.

\* Builder to determine exact date for construction start and completion.

EXHIBIT "B"

STATEMENT OF LAND OWNED FOR COMPLIANCE WITH THE  
MODERATELY PRICED HOUSING LAW

Pursuant to Article 25-A-5 (h) of the Montgomery County Code, 1994, as amended, Applicant hereby provides a list\* which is attached hereto as Schedule A, \*\* describing all land owned in whole or in part, or which is under contract to, the Applicant, in Montgomery County, Maryland, which is available for residential development. Applicant, in consideration for the issuance of Building Permit Application No. SEE NOTE 1 affirms that the said Schedule A includes all property as described above for which:

1. A preliminary subdivision plan or development plan has been filed or for which a building permit application has been filed; and
2. Public water and sewer will be utilized; and
3. The optional zoning provisions of the Moderately Priced Dwelling Unit Law and/or Zoning Ordinance, are applicable, Article 25A.

Applicant affirms that the attached Schedule A includes all such property in Montgomery County, Maryland and not solely that property within the subdivision which is the subject of this Building Permit Application.

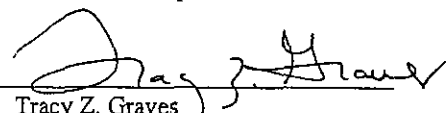
WITNESS/ATTEST:

APPLICANT:

TERRABROOK CLARKSBURG, L.L.C.,  
a Delaware limited liability company

By: WESTERRA MANAGEMENT, L.L.C.,  
a Delaware limited liability company,  
its authorized representative



BY:   
Tracy Z. Graves  
Assistant Vice President

SUBSCRIBED AND SWORN to before me, a Notary Public in and for the State of ~~Maryland~~ Virginia, County of ~~Montgomery~~ Loudoun, by Applicant(s) this 31<sup>st</sup> day of May, 2002.

My Commission Expires: 08/31/05

  
NOTARY PUBLIC

\* For any Building Permit Application subsequent to the initial application subject to these requirements, Applicant needs only submit changes to the list of property holdings.

\*\* Schedule A shall contain information stating the owner's name, location and size of parcels, subdivision name, Liber and folio references of latest deeds and Plat Book references.

NOTE 1: Building permit applications to be identified at time of application by builder.

SCHEDULE A  
LISTING OF PROPERTY IN MONTGOMERY COUNTY, MARYLAND

Terrabrook Clarksburg, L.L.C., a Delaware limited liability company, owns the following property in Montgomery County: all that land acquired from Clarksburg Land Associates, LLLP and Piedmont Land Associates, LLLP by Deed dated February 4, 2000 and recorded among the Land Records of Montgomery County, Maryland, in Liber 17865 at folio 495.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB  
Item # 8  
5/9/02



## MEMORANDUM

**DATE:** May 2, 2002  
**TO:** Montgomery County Planning Board  
**VIA:** Joe R. Davis, Chief *JRD*  
Development Review Division  
**FROM:** Wynn E. Witthans *WW*  
Planning Department Staff  
(301) 495-4584

**REVIEW TYPE:** Final Water Quality Plan and Site Plan Review  
**APPLYING FOR:** Approval of 487 dwelling units (153 SFD, 202 TH's and 132 multifamily units) inclusive of 46 MPDU's on 77.61 acres  
**PROJECT NAME:** Clarksburg Town Center Phase II  
**CASE #:** 8-02014  
**REVIEW BASIS:** Sec. 59-D-3, M. C. Zoning Ordinance

**ZONE:** RMX-2 Residential Mixed Use Center  
**LOCATION:** Southeast of the intersection of Piedmont Road and Clarksburg Road  
**MASTER PLAN:** Clarksburg Master Plan and Hyattstown Special Study Area, June 1994  
**APPLICANT:** Terrabrooke Clarksburg LLC, Jim Richmond, Contact  
**FILING DATE:** October 18, 2001  
**HEARING DATE:** May 9, 2002

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### **FINAL WATER QUALITY PLAN - STAFF RECOMMENDATION:**

Approval of Final Water Quality Plan including the Stormwater Management Concept with conditions as stated within the April ..., 2002 memo from MCDPS in Appendix; including waiver of Chapter 49-35 through 49-43 of the County Code "Closed Section Roads in the SPA" as noted in the above memo.

Conditions of approval for the FWQ SPA will be supplied when the memo is available.



The above memo to be finalized prior to Planning Board hearing of May 9 and distributed to Planning Board then. The final review encountered unexpected delays thus creating this gap in materials. Staff has been briefed and given drafts for the final FWQP approval letter and supports the progression of this application to the Planning Board for review.

### SITE PLAN REVIEW - STAFF RECOMMENDATION:

Approval of 487 dwelling units (153 SFD, 202 TH's and 132 multifamily units) inclusive of 46 MPDU's on 77.61 acres with the following conditions:

*Leo Guterbo to send letter to Wynn on Weds.*

1. Site plan approval will not be valid until Special Protection Area – Final Water Quality Plan is approved by MCDPS and MCDEP.

2. Standard Conditions dated October 10, 1995, Appendix A *(See p. 24)*

3. Park and School Site

*opt. would not know cost*

*returning units, if needed*

*When 2 Tracey wants to do this, write when site is being developed*

- a. Per MCPS Memo of May 2, 2002, the applicant shall provide adequate engineered fill for the building and rough grade the remainder of the school site to allow school construction at a reasonable cost. [Alternatively, if this cannot be done, MCPS will consider another site within the subdivision pending revision of the applicable Preliminary and Project Plans. (Memo attached)]

- b. M-NCPPC Parks Department shall review and approve all final path locations in the site. Any path that may serve, as a substitute for a public sidewalk shall be reviewed by DPWT.

- c. Regarding the ball fields, the plan shall be consistent with condition # 6 of Preliminary Plan 1- 95042 as follows:

Dedication of the proposed park/school, as shown on the Applicant's revised preliminary plan drawing, is to be made to M-NCPPC. In order to facilitate the implementation of the combined park/school facilities, the following provisions apply:

(a) M-NCPPC and the Applicant will enter into an agreement specifying that an exchange of land, identified as areas "B1" and "B2" on the park/school concept drawing set out on Circle Page 49 of the staff report, will occur prior to the execution of the Site Plan Enforcement Agreement.

(b) Dedication of the approximately 8 acre area, identified as area "A" on the same park/school concept drawing identified above, will occur either at the time of recordation of the plats for the adjacent phase of the project or at such time as funds for construction of the future elementary school are added to the County CIP, whichever occurs first.

*where will dirt come from? to be need specific thinking to grade it? on site?*

*best developed dirt lot to town in should be in Tax 911/1111*

*two/low from now no change*

*Status 3 CIP re: bonds for Elem. School?*

(c) The Applicant will provide site grading, infield preparation and seeding of the replacement athletic fields on the approximately 8 acres of dedicated land at a time which insures that there will be no disruption in the continued use of the existing athletic fields prior to completion of the replacement athletic fields.

(i) In the event that dedication occurs when funds for the proposed school are shown in the CIP, Applicant will complete work on the replacement fields prior to the construction of the proposed school.

(ii) In the event that dedication occurs prior to funding for the school being shown in the CIP, then upon construction of Street "F", as shown on the revised preliminary plan, Applicant will commence work on replacement of the baseball field. In addition, if at Site Plan it is determined that there is sufficient earth material on site to construct both replacement fields, then Applicant will also rough grade and seed the replacement soccer field when construction of Street "F" begins. Area tabulations for the proposed park/school complexes to be submitted for technical staff review at Site Plan. Final grading plan for the park/school site to be submitted for technical staff approval as part of the Site Plan application.

- c. Applicant shall acknowledge that there is sufficient earth material on site to construct both fields and agrees to construct the two fields upon commencement of construction of Street "F" referenced in the Preliminary Plan approval, or prior to construction of the proposed elementary school, whichever occurs first.
  - i. The exact location and orientation of the fields to be coordinated with M-NCPPC staff.
  - ii. The softball field to be full sized with foul lines of 290'.
  - iii. The soccer field to be full adult size with dimensions of 360' by 220'.
- d. Final details regarding the Park/School site shall be reviewed by staff and shall reflect the direction of the approved Preliminary Plan # 1-95042 and shall include input from the Parks Department, MCPS and the Applicant for the final design of the ball field and path layout, the metes and bounds survey of dedication prior to recordation, grading, access, storm water management facilities and any other issues as required.
- e. There shall be no disturbance (or activity to cause them to be unusable) of the existing fields within Kings Local Park until the new fields are constructed. (Note: The applicant acknowledges there is sufficient earth work to build both ball fields and will do so.)
- f. Applicant to construct paved hiker/biker trails in the following locations:

1. Along the east side of Overlook Park Drive from Stringtown Road to Clarksburg Road (Route 121). Per Phase I approval. This trail will be aligned to meet the Clarksburg Greenway Trail from the south side of Stringtown Road.
2. From the Clarksburg Greenway Trail along Overlook Park Drive to the Kings Local Park pond trails (two connections to the pond trail) - per Phase I approvals
3. Along the south side of Clarksburg Road from the pond area trails to the intersection with Piedmont – per Phase I approvals
4. Along the south side of Piedmont from Clarksburg Road to Street “F” - per phase one approvals
5. Along the west side of Street “F” from Piedmont to Main Street and continuing along Main Street to the Greenway Trail along Overlook Park Drive – within the right-of way per DPWT standards.
6. Trails are to be constructed to park standards when outside of right-of-way. Exact trail alignments to be coordinated with M-NCPPC and DPWT staff, and should be appropriately located and landscaped to maintain a park like setting while also fulfilling the need for safe, off road transportation in the area.

#### 4. Piedmont Road

- a. The applicant shall pursue the abandonment of the prescriptive right-of-way of Piedmont Road and Burnt Hill Road with Montgomery County prior to recordation of plats for these areas.
- b. ~~Building Permits for the units located within the prescriptive right-of-way shall be withheld until County Council grants the approval of the abandonment request.~~

*Plats for lots with the existing Piedmont Road Right*

*Applicant shall not submit for recordation or approval of plats for lots with the existing Piedmont Road Right*

*X* Plats for the areas containing the prescriptive right-of-way shall contain a note stating construction of units located within the prescriptive right-of-way shall not permitted to be built until the prescriptive right of way has been abandoned pursuant to Chapter 49 of the Montgomery County Code.

- d. A right-of-way exhibit identifying the affected lots shall be developed as an attachment to the Opinion.

#### 5. MPDU's

In order to maintain an equitable balance of MPDU's, all units within Blocks EE and GG of Phase I Site Plan 8-98014 as shown in MPDU exhibit dated May 2, 2002 (attached) will not be constructed until the Planning Board approves a revision of those blocks (proposed to be resubmitted for approval).

6. Waivers requested and previously approved:
  - Waiver of lots fronting on a public right-of-way Section 50-29-(A)(2) –(Staff recommends approval due to interconnecting grid of streets and it's limited use).
  - Waiver of closed section streets has been approved with the Project Plan.
7. Environment
  - a. Record plats to reflect delineation of a Category I Conservation easement that includes the stream/wetland buffers and forest conservation areas, as shown on the site plan, that are not part of the park dedication area.
  - b. Final erosion and sediment control plans shall be submitted to Environmental Planning staff for review and comment prior to approval by MCDPS.
  - c. The Final Forest Conservation Plan must be approved and bonded prior to issuance of the sediment and erosion control permit.
  - d. The outfall from Pond #3, and any other stormwater management facility or storm drain outfalls which extend into the environmental buffer, shall be field located by applicant's representative, MCDPS, and MNCPPC Environmental Planning staff prior to approval of the stormwater management/sediment control permits by MCDPS.
  - e. MNCPPC Environmental Planning staff shall review and approve detailed design plans for any wetland mitigation sites within the environmental buffers prior to issuance of sediment control permits or authorization to clear and grade any of these facilities.

## ISSUES RESOLVED AND IDENTIFIED DURING THE SITE PLAN REVIEW PROCESS

### SPA

The Board has adopted guidelines for Park and Planning Department review of projects within SPA's. These guidelines focus on expanding wetland buffers, expanding and accelerating forest conservation opportunities, and limiting site imperviousness levels. They have been addressed by the site plan in the following manner:

*BUFFERS* – Stream buffers per the Environmental Guidelines and priority forest conservation areas have been protected with the exception of unavoidable intrusions to tie out grading from a few lots and on the park-school site. The intrusions occur in unforested areas and have been minimized. Mitigation for the impacts will be provided by 2:1 reforestation.

*FORESTATION* – All unforested stream buffers will be reforested using larger stock to minimize the time to canopy closure. A 5-year maintenance program is required to better ensure survival of the planting.

*IMPERVIOUSNESS* – Imperviousness within the town center far exceeds the level that is desirable in the headwaters of a sensitive watershed such as Little Seneca Creek. Maximum effort has been made to reduce the amount of imperviousness given the proposed development pattern. Hope for reducing the impact of the excessive impervious surfaces lies in providing extraordinary stormwater management facilities and BMP's for all runoff from these surfaces.

### Park and School Site

The concepts for the combination of a Park/School were established in the Project and Preliminary Plan approval in 1995. Copies of those opinions are attached to the Planning Board's packets and are available to the public from the staff folders. Essentially, the Applicant shall build two ball fields for the Park and a SWM pond for the school. MCPS will have a site available to them for a school. The earlier approvals worked out the mechanics of the land transfer, the grading and other specifications for the construction of the Park's ball fields with the requirement that a grading plan be worked out by the time of Site Plan review.

In the course of site plan review, as the park/school plan was being developed, issues of concern have developed. A letter from MCPS is attached which recites their concerns with the current school site location due to the severe grading problems associated with the site. They are asking the Planning Board to require the applicant to provide engineered fill to compensate for the considerable elevation changes – 20 feet in some areas of the site.

With the Planning Board's concurrence, the final grading plan will be finalized after the Site Plan approval in order to work out grading and other details of the submittal listed in the conditions above.

## **Citizen Comments**

Staff has not received any comments regarding the proposed site plan at this time. The citizens remain concerned about dark sky issues and provision of bike paths in general.

## **Piedmont Road**

The right-of-way for Piedmont Road is a prescriptive right-of-way – never dedicated to public use but used as one for many years. The applicant has not yet perused the abandonment procedures required to take ownership of the road and develop it. The applicant will begin construction of the replacement to Piedmont Road - A-305, an arterial street that will connect in a loop around Clarksburg. Staff recommends that until the older prescriptive right-of-way has been abandoned and ownership of the land is taken over by the applicant, no building permits shall be released for construction of units that are affected by this alignment. The applicant has requested the ability to build units but not occupy them prior to the road abandonment. Both staff and the applicant agree that the applicant should be able to pursue site preparation activities prior to the abandonment.

## **Lighting and Landscaping**

The applicant has received approvals to use a new light fixture in section of the site that have been previously approved and are under construction. It is hoped that this and other applicants may be able to use this light fixture in future sections. Staff is in the process of reviewing the light fixture and determine situation for its use. A draft Clarksburg Streetscape plan and a streetscape working group are current venues for these discussions.



**PROJECT DESCRIPTION:** Surrounding Vicinity

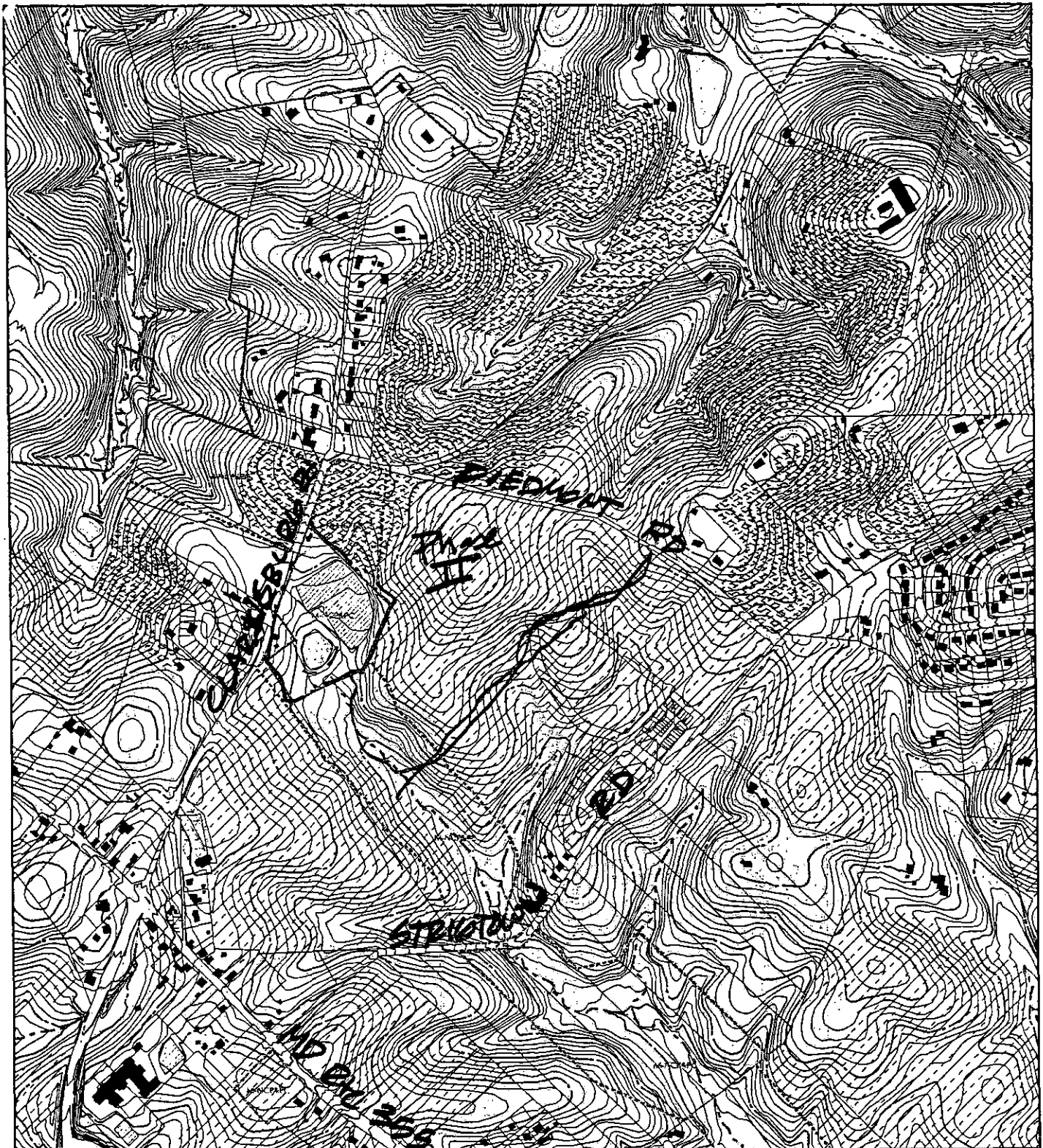
Clarksburg Town Center is a neo-traditional subdivision that proposes residential and commercial development in blocks with street trees and sidewalks and open spaces. The headwaters of the Little Seneca Stream Valley create the basis of the open spaces preserved internally. The Greenway Trail will be along the edge of this Stream Valley and it will eventually connect to the north to Little Bennett Park and south to the remainder of many Clarksburg projects currently under review.

The proposed area is in the northeast quadrant of the entire site that extends from M-NCPPC Kings Local Park to the previously approved Phase I section, approximately mid way into the parcel. The northern boundary adjoins Piedmont Road beyond which is Burnt Hills Road and land zoned Rural Density Transfer and currently developed with SFD housing. An overhead power line extends beyond the property to the east from northwest to southeast.

Clarksburg Road bounds the site to the north. On the opposite side of the road is a vacant parcel possibly slated for a fire station. Further to the west, but still opposite the subject site, are three residential projects in various stages of development. Each of those projects are contributing to the reconstruction of Clarksburg Road on the north side, Clarksburg Town Center will make the improvements to the southern side as it adjoins their property and the Park School Site.

VICINITY MAP FOR

# CLARKSBURG TOWN CENTER (8-02014)



Map compiled on October 16, 2001 at 11:41 PM | Site located on base sheet no - 233NW13

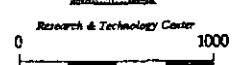
## NOTICE

The planimetric, property, and topographic information shown on this map is based on copyrighted Map Products from the Montgomery County Department of Park and Planning of the Maryland-National Capital Park and Planning Commission, and may not be copied or reproduced without written permission from M-NCPPC.

Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale aerial photography using stereo photogrammetric methods.

This map is created from a variety of data sources, and may not reflect the most current conditions in any one location and may not be completely accurate or up to date. All map features are approximately within five feet of their true location. This map may not be the same as a map of the same area plotted at an earlier time as the data is continuously updated. Use of this map, other than for general planning purposes is not recommended. - Copyright 1998

Key Map



1 : 12000

**MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
8787 Georgia Avenue - Silver Spring, Maryland 20910-3760

**PROJECT DESCRIPTION:**      Site Description

The site is a former agricultural field that includes rolling hills and is upland of the Little Seneca Stream Valley tributaries. There is vegetation (trees and other hedgerow growth) in the low lying areas but no significant growth in the field areas. Piedmont Road is currently defined as a prescriptive right-of-way, defined by common use but not dedicated to the public as a right-of-way. The former alignment of Piedmont Road cuts into the proposed development area and the road will be relocated as A-305 as determined with the earlier approved Preliminary Plan.



LandDesign

April 5, 2001 LDI #2000134

# CLARKSBURG

OVERALL SITE PLAN  
PHASE II

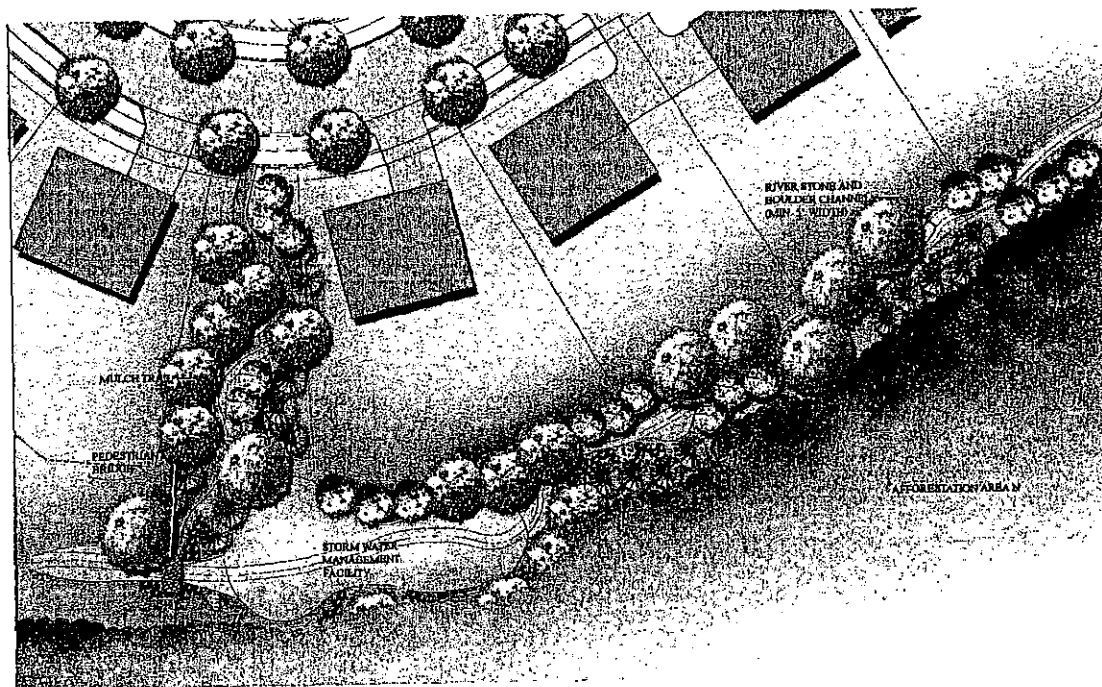


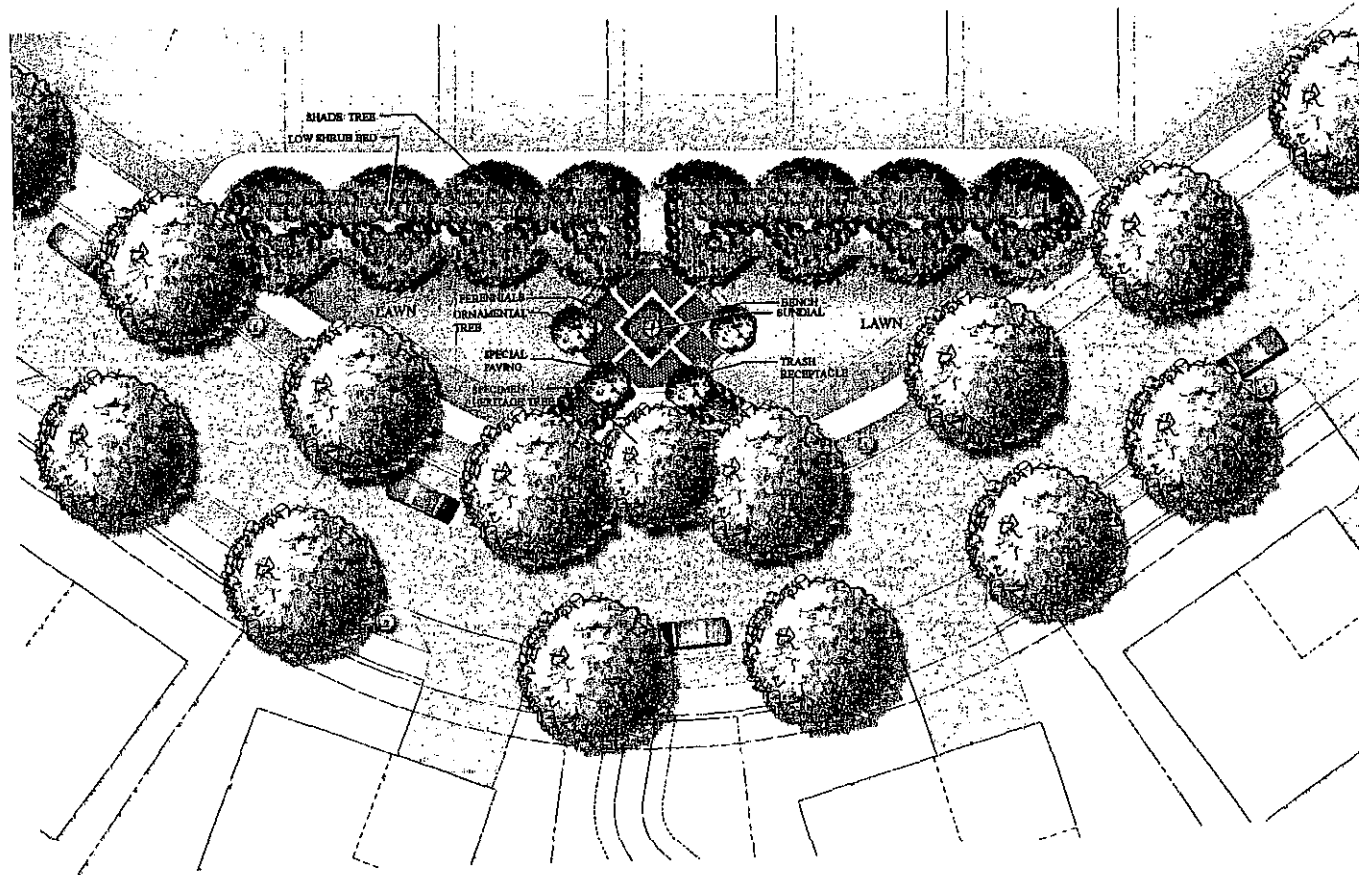
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TERRABROOK

10 a

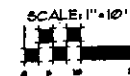
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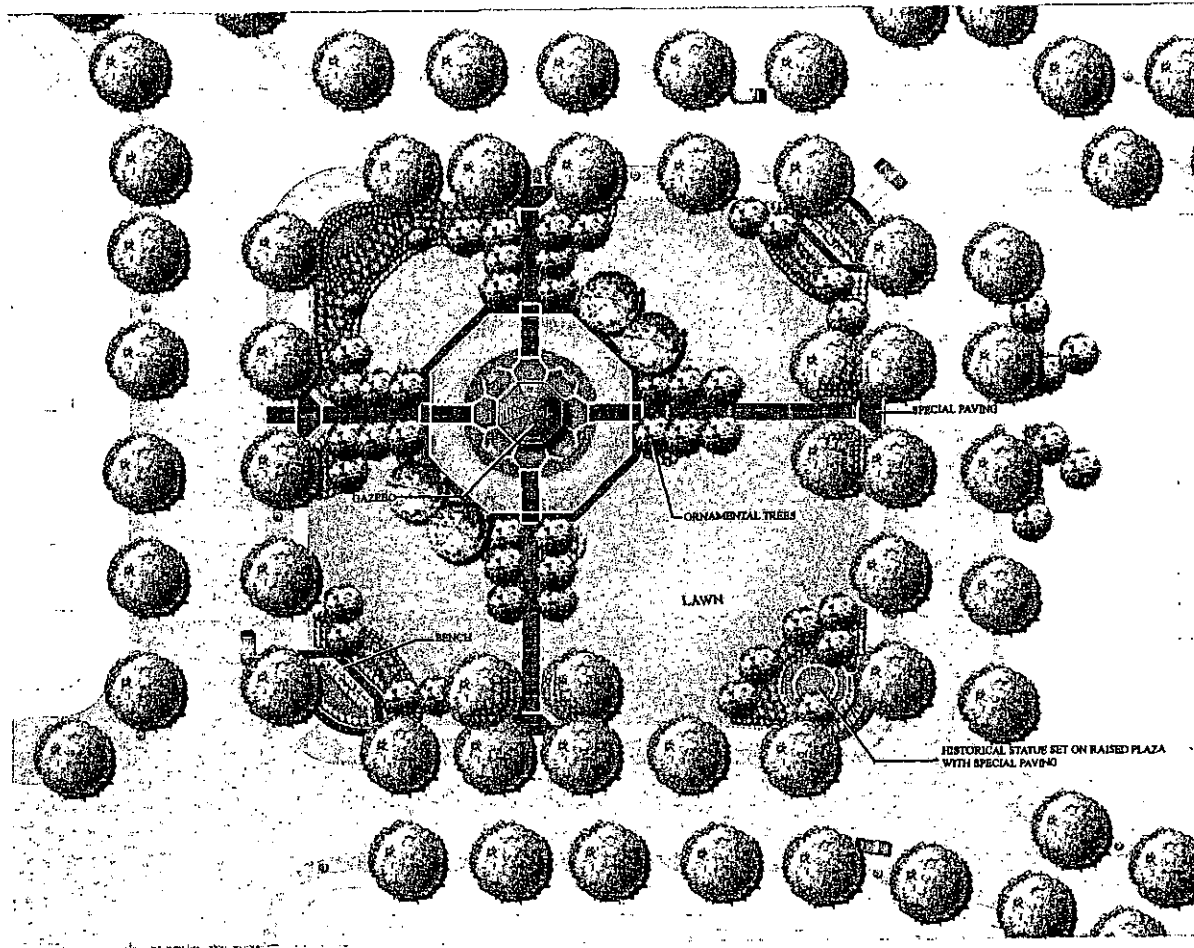


# CLARKSBURG

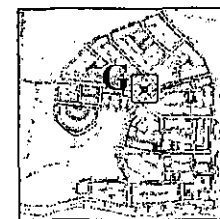
SCENT GARDEN





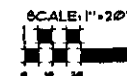


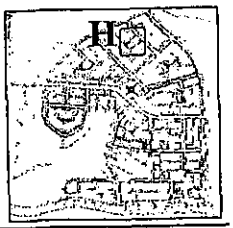
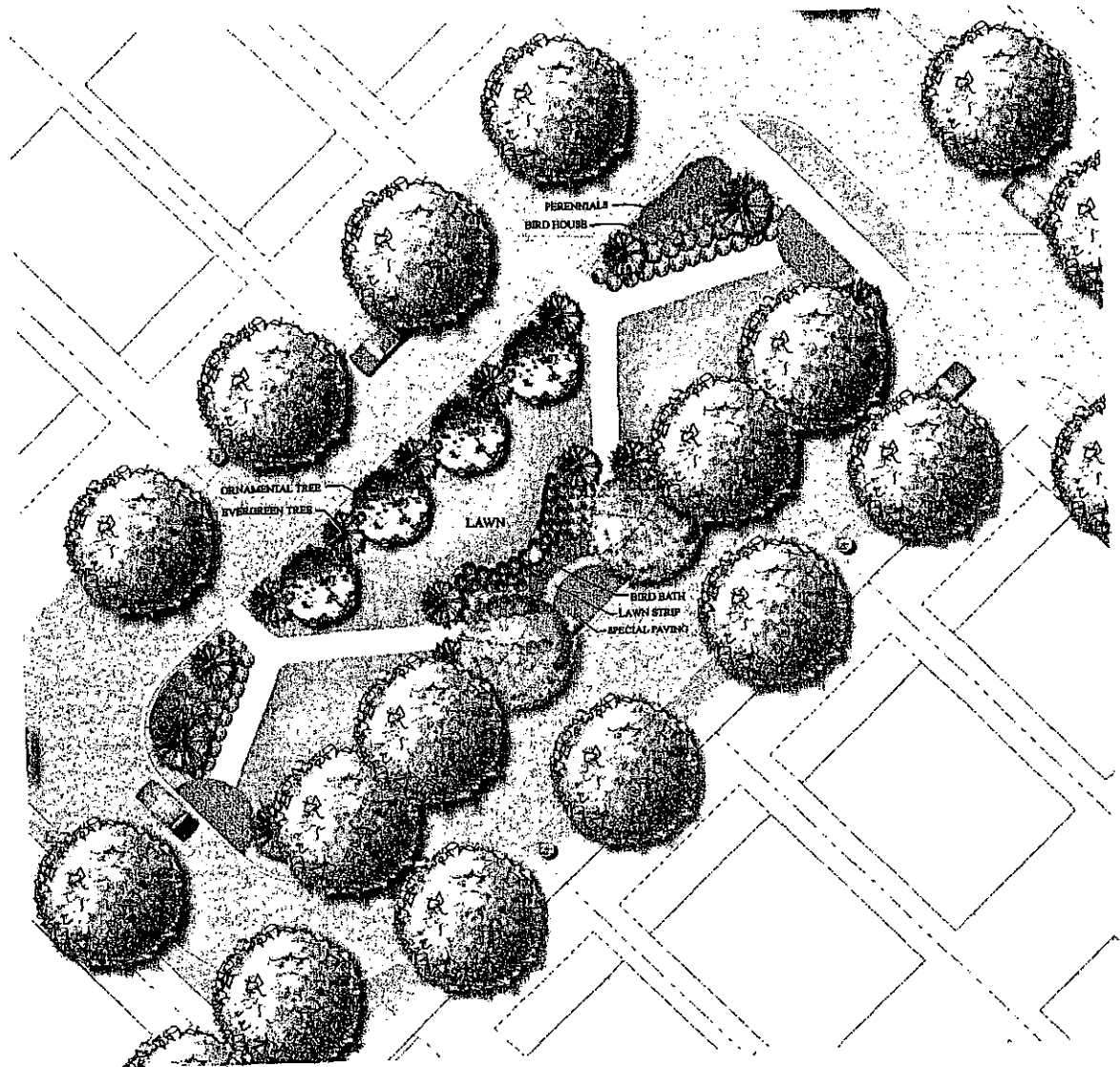
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# CLARKSBURG

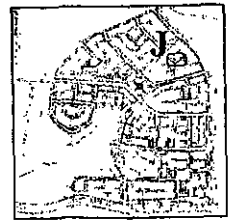
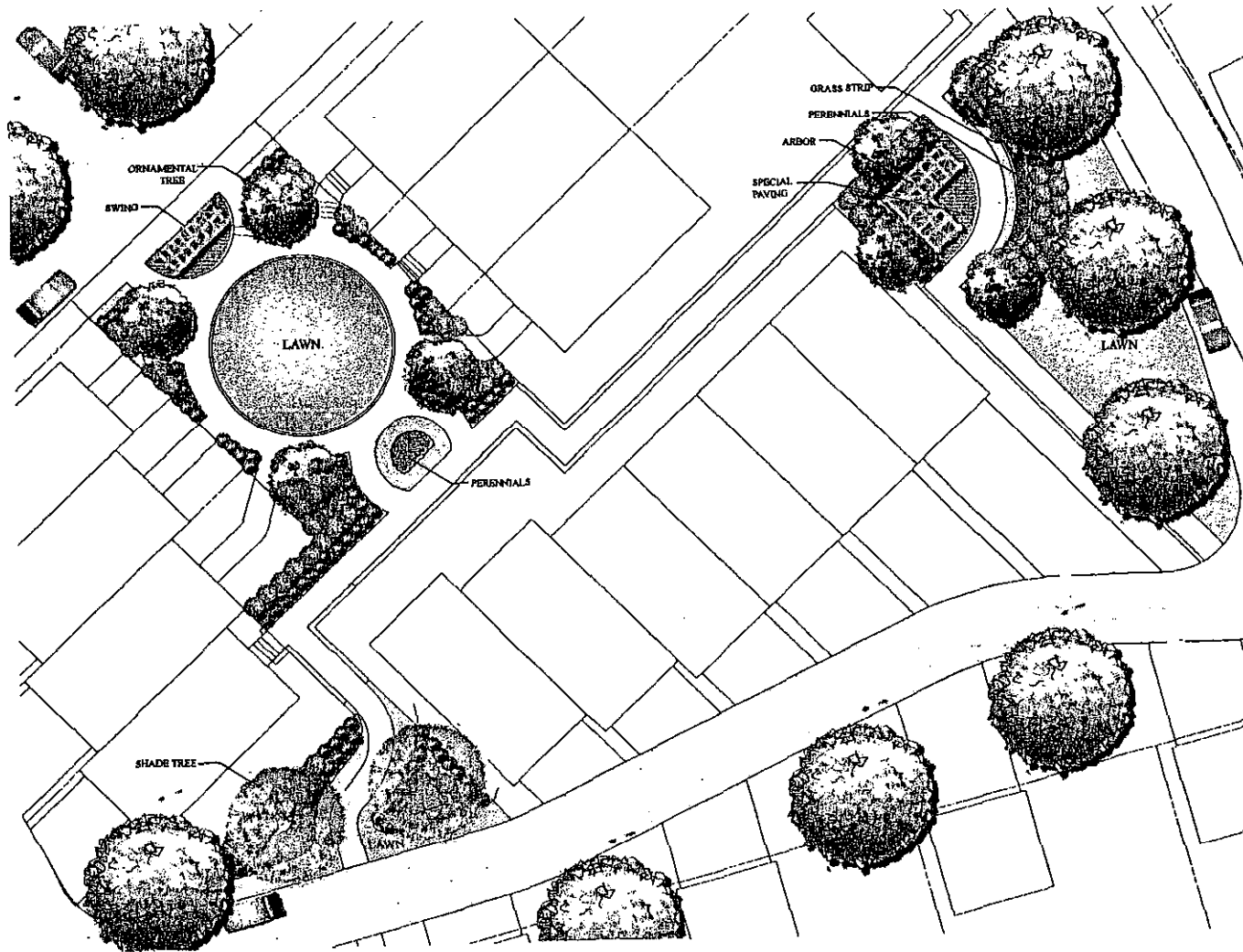
SINEQUA SQUARE





# CLARKSBURG

BIRD HOUSE OPEN SPACE



PLAN 1

TABLE 1 - SUMMARY OF PROPOSED DEVELOPMENT

NO.	DESCRIPTION	ACRES	EST. VALUE
1	RESIDENTIAL	1.00	\$1,000,000
2	COMMERCIAL	0.50	\$500,000
3	INDUSTRIAL	0.25	\$250,000
4	RECREATION	0.10	\$100,000
5	UTILITY	0.05	\$50,000
6	ROADWAY	0.05	\$50,000
7	LANDSCAPE	0.05	\$50,000
8	WATER	0.05	\$50,000
9	SEWER	0.05	\$50,000
10	STREET LIGHTS	0.05	\$50,000
11	LANDSCAPE LIGHTS	0.05	\$50,000
12	LANDSCAPE TREES	0.05	\$50,000
13	LANDSCAPE PLANTS	0.05	\$50,000
14	LANDSCAPE FURNITURE	0.05	\$50,000
15	LANDSCAPE SIGNAGE	0.05	\$50,000
16	LANDSCAPE MAINTENANCE	0.05	\$50,000
17	LANDSCAPE INSPECTION	0.05	\$50,000
18	LANDSCAPE REPORTING	0.05	\$50,000
19	LANDSCAPE CONSULTING	0.05	\$50,000
20	LANDSCAPE DESIGN	0.05	\$50,000

TABLE 2 - SUMMARY OF PROPOSED DEVELOPMENT

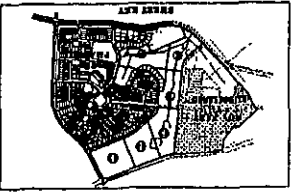
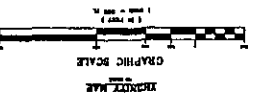
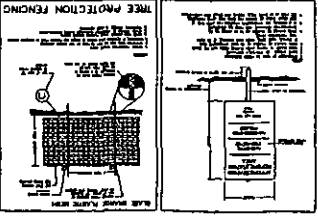
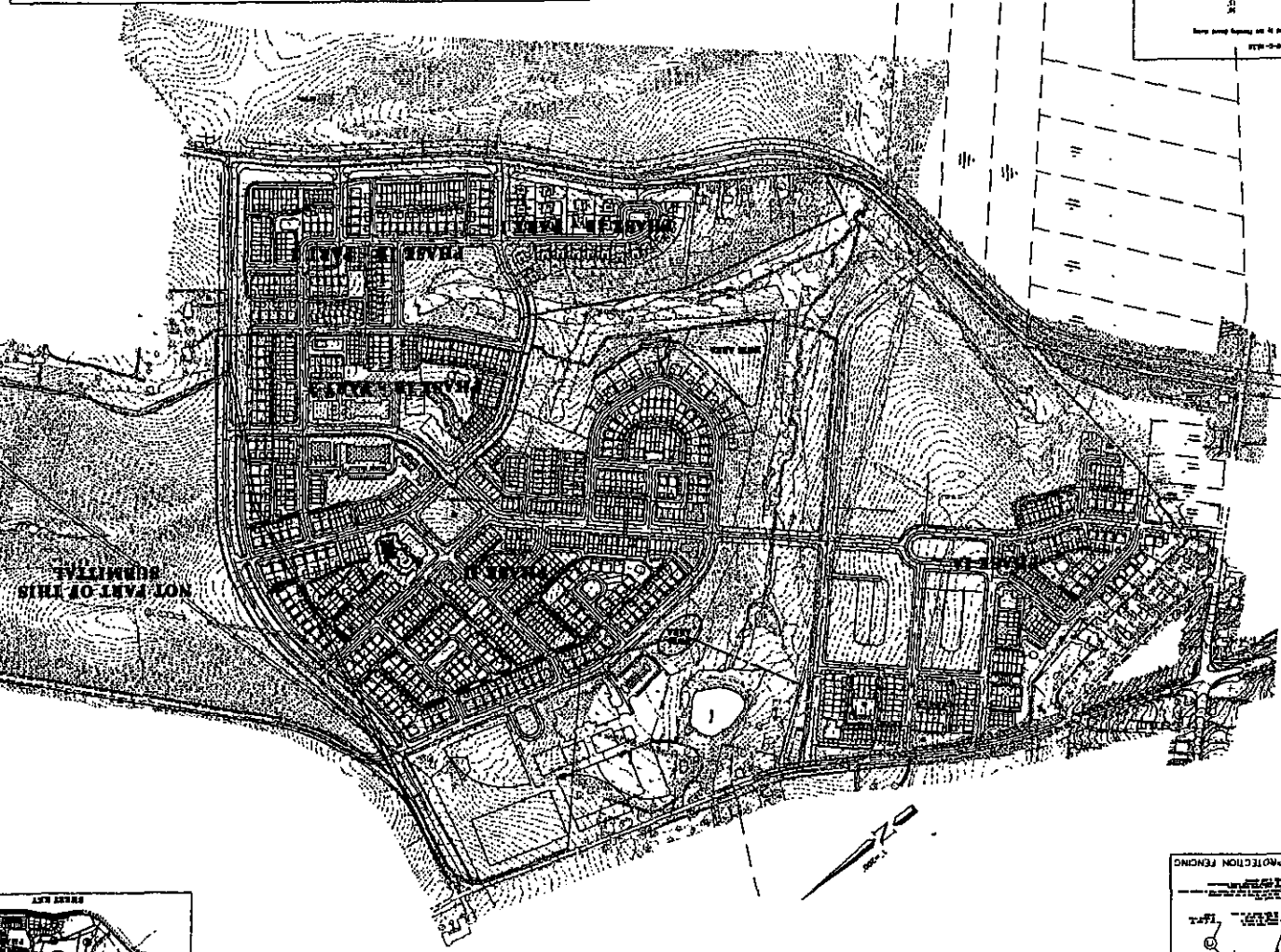
NO.	DESCRIPTION	ACRES	EST. VALUE
1	RESIDENTIAL	1.00	\$1,000,000
2	COMMERCIAL	0.50	\$500,000
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13	LANDSCAPE PLANTS	0.05	\$50,000
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15	LANDSCAPE SIGNAGE	0.05	\$50,000
16	LANDSCAPE MAINTENANCE	0.05	\$50,000
17	LANDSCAPE INSPECTION	0.05	\$50,000
18	LANDSCAPE REPORTING	0.05	\$50,000
19	LANDSCAPE CONSULTING	0.05	\$50,000
20	LANDSCAPE DESIGN	0.05	\$50,000

TABLE 3 - SUMMARY OF PROPOSED DEVELOPMENT

NO.	DESCRIPTION	ACRES	EST. VALUE
1	RESIDENTIAL	1.00	\$1,000,000
2	COMMERCIAL	0.50	\$500,000
3	INDUSTRIAL	0.25	\$250,000
4	RECREATION	0.10	\$100,000
5	UTILITY	0.05	\$50,000
6	ROADWAY	0.05	\$50,000
7	LANDSCAPE	0.05	\$50,000
8	WATER	0.05	\$50,000
9	SEWER	0.05	\$50,000
10	STREET LIGHTS	0.05	\$50,000
11	LANDSCAPE LIGHTS	0.05	\$50,000
12	LANDSCAPE TREES	0.05	\$50,000
13	LANDSCAPE PLANTS	0.05	\$50,000
14	LANDSCAPE FURNITURE	0.05	\$50,000
15	LANDSCAPE SIGNAGE	0.05	\$50,000
16	LANDSCAPE MAINTENANCE	0.05	\$50,000
17	LANDSCAPE INSPECTION	0.05	\$50,000
18	LANDSCAPE REPORTING	0.05	\$50,000
19	LANDSCAPE CONSULTING	0.05	\$50,000
20	LANDSCAPE DESIGN	0.05	\$50,000

TABLE 4 - SUMMARY OF PROPOSED DEVELOPMENT

NO.	DESCRIPTION	ACRES	EST. VALUE
1	RESIDENTIAL	1.00	\$1,000,000
2	COMMERCIAL	0.50	\$500,000
3	INDUSTRIAL	0.25	\$250,000
4	RECREATION	0.10	\$100,000
5	UTILITY	0.05	\$50,000
6	ROADWAY	0.05	\$50,000
7	LANDSCAPE	0.05	\$50,000
8	WATER	0.05	\$50,000
9	SEWER	0.05	\$50,000
10	STREET LIGHTS	0.05	\$50,000
11	LANDSCAPE LIGHTS	0.05	\$50,000
12	LANDSCAPE TREES	0.05	\$50,000
13	LANDSCAPE PLANTS	0.05	\$50,000
14	LANDSCAPE FURNITURE	0.05	\$50,000
15	LANDSCAPE SIGNAGE	0.05	\$50,000
16	LANDSCAPE MAINTENANCE	0.05	\$50,000
17	LANDSCAPE INSPECTION	0.05	\$50,000
18	LANDSCAPE REPORTING	0.05	\$50,000
19	LANDSCAPE CONSULTING	0.05	\$50,000
20	LANDSCAPE DESIGN	0.05	\$50,000



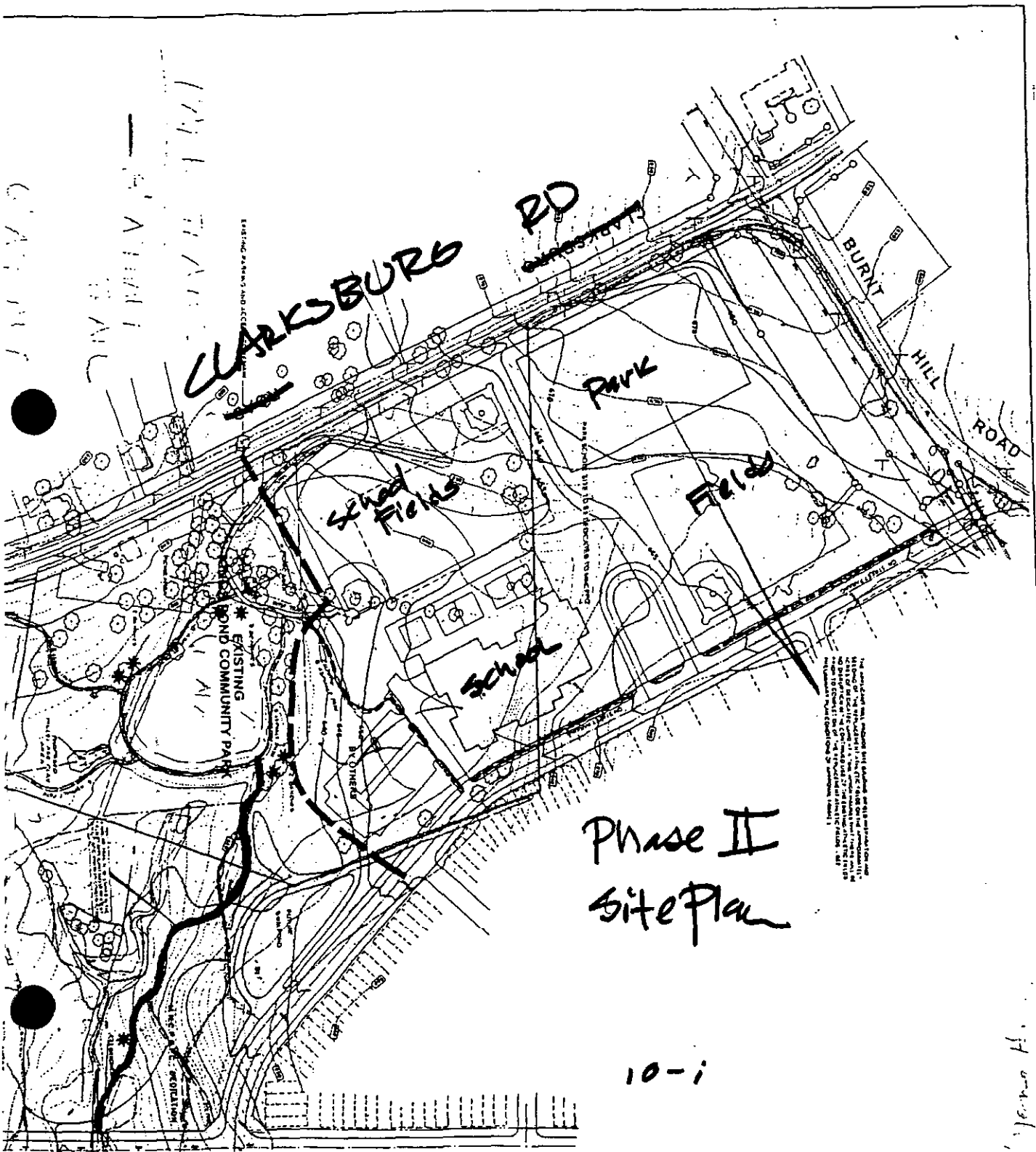
CLARKSBURG TOWN CENTER  
CLARKSBURG (CROSS SECTION) DISTRICT  
MONTGOMERY COUNTY, MONTGOMERY

CPI

Charles F. Johnson & Associates, Inc.  
10000 Rockville Pike, Suite 100  
Rockville, Maryland 20850  
(301) 771-1000  
FAX (301) 771-1001  
WWW.CFJA.COM

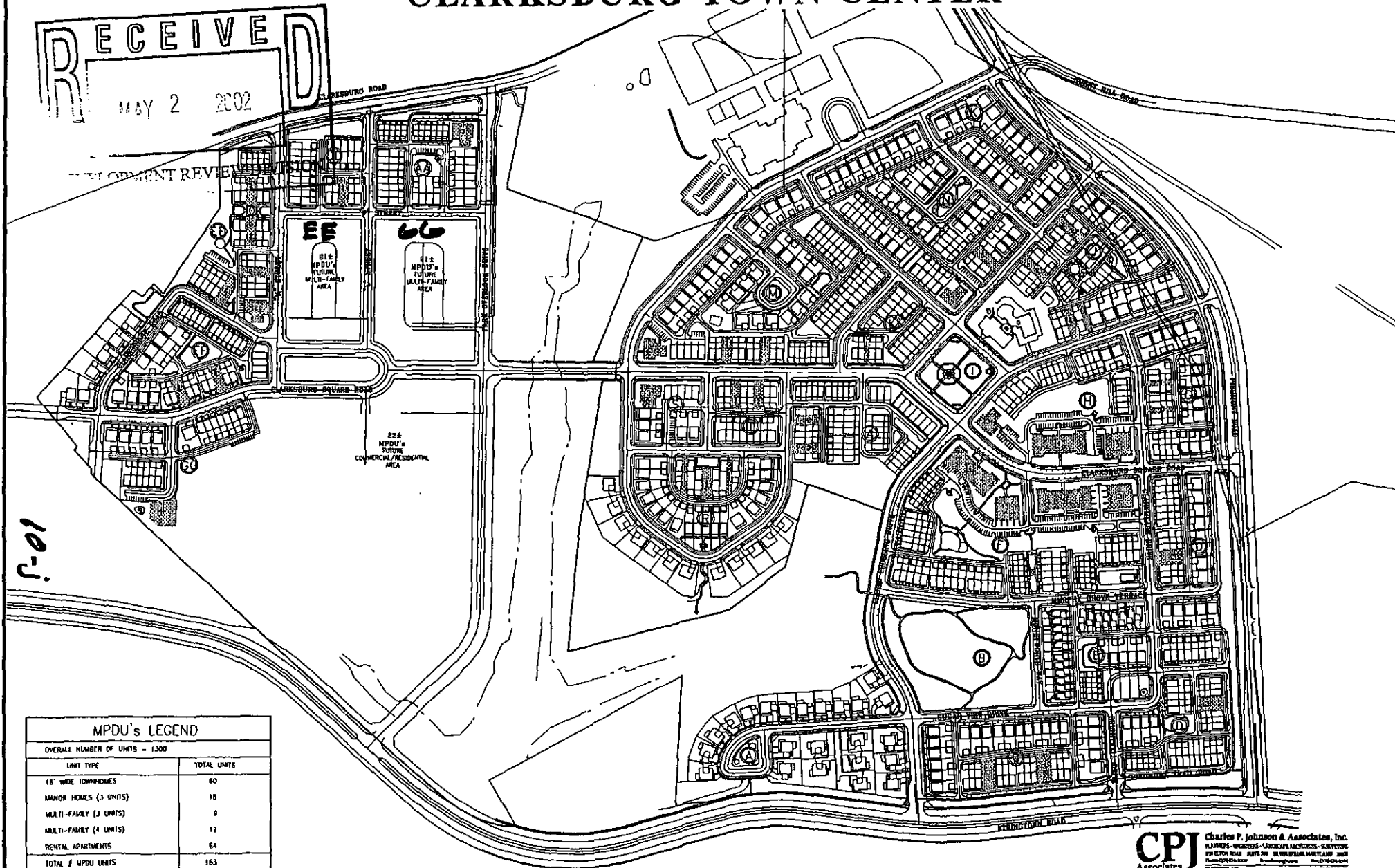


# Park/School Site



# CLARKSBURG TOWN CENTER

RECEIVED  
MAY 2 2002



MPDU's LEGEND	
OVERALL NUMBER OF UNITS = 1,300	
UNIT TYPE	TOTAL UNITS
18" WIDE TOWNHOMES	60
MAJOR HOMES (3 UNITS)	18
MULTI-FAMILY (3 UNITS)	9
MULTI-FAMILY (4 UNITS)	12
RENTAL APARTMENTS	64
TOTAL # MPDU UNITS	163

PERCENTAGE OF MPDU/MAXIMUM # OF UNITS = 12.5%

## MPDU LOCATION PLAN

**CPJ** Charles F. Johnson & Associates, Inc.  
PLANNERS - ENGINEERS - ARCHITECTS - SURVEYORS  
100 CLARKSBURG ROAD SUITE 200 CLARKSBURG, MARYLAND 20841  
TEL: 301-747-1000 FAX: 301-747-1001  
APRIL 2002 DWG: 90-08



## PROJECT DESCRIPTION: Proposal

Phase II of the Clarksburg Town Center includes housing arranged in blocks, a community center and "Village Green" on a hilltop and a park/school site. The units proposed include single family detached, townhouse and multifamily units are mixed within blocks and most are accessed via rear alleys with freestanding or integral garages. The multifamily units are developed in "Manor Houses" which look like one large house but actually contain 9-12 apartment/condo type units. The distribution of MPDU's are provided in a seamless fashion within the community in both townhouse and multifamily units.

Main Street extends from the Phase I Main Street area and creates a focal point of the community center and "Village Green." Most all of the units face all the streets or occasionally, an interior court. Service roads are located along the A-305 frontage so units face the surrounding arterials (part of the Project Plan approval). Unit rear yards that adjoin the site boundaries have been reviewed for noise levels and noise fences have been added where required.

Currently the plan shows most of the units with a detached garage at the alley line. Staff supports this configuration because it creates an enhanced definition to the alley that keeps the cars separated from the small yards behind each unit.

The alleys on site have been reviewed for efficiency and their attractiveness as a secondary entrance to each home. To improve the appearance of the alleys, the applicant has proposed accent paving for the driveway entrances to the garages, added landscaping where possible, has clustered garages to provide additional rear yard green space and provided individual lighting for each garage that provides shielded lights to reduce unnecessary light spill.

Landscaping for the project includes regularly spaced street trees, screen planting for side and rear yards, front yard planting for each unit and attractively landscaped courts and sitting areas located throughout the residential blocks. The "Town Square" focal point includes a gazebo and open space sitting areas, shade trees and attractively designed perennial and shrub beds. The lawn areas are graded so to allow for outdoor performances. The neighborhood commons have been designed with sitting and landscaped areas.

Streetscape lighting includes a variation of the "Hagerstown" light fixture. The fixture has been tentatively approved for use by DPW&T for use in Clarksburg Town Center Phase I and includes a solid cap that reduces upward light spill. Further review of the fixture is necessary to review the dark sky qualities and it's suitability for other projects within Clarksburg Town Center.

Green spaces are provided in localized neighborhood greens and in the stream valley areas adjacent the site. Storm water management facilities are scattered around the units and in the downhill areas towards the stream valley. Behind Block "A" a dry stream, developed with rocks and plantings, will handle run-off and create an attractive open space feature.

Parking has been provided on site for each townhouse and single family detached unit. The manor houses (the multifamily unit) will have off street parking in parking bays in the alleys

behind the units. Parallel parking is provided on all the public streets, where feasible, providing for visitor parking and extra resident parking.

**PROJECT DESCRIPTION:** Prior Approvals

Project Plan # 9-94004 was approved on May 11, 1995 and Preliminary Plan # 1-95042 was approved on September 29, 1995. Below is a synopsis of the earlier approvals and the way they have been addressed in the site plans.

**PROJECT PLAN #9-94004 CONDITIONS****SITE PLAN RESPONSE**

1. Density limited to 1,300 du; 150,000 sf of retail and 100,000 of office	Phase I – 768 du's approved Phase II – 463 units proposed
2. Transportation Improvements	Conforms to staging plan finally determined in the Preliminary Plan
3. Dedicate and Construct A-305 (Mid County Highway)	Dedication as required, prescriptive R.O.W. shifted to site boundary; construction phasing per Preliminary Plan
4. Dedication and construction of A-260 (Stringtown Road)	Dedication as required; construction phasing per Prelim Plan
5. Environmental Improvements prior to Prelim Plan	SPA Approval
6. Environmental Improvements: reduce disturbance to stream buffers, etc; identify SWM facilities at time of Prelim Plan within applicant's facilities	SPA approval; SWM concept approved
7. Park School: final concept plan and related terms and conditions to be finalized with Prelim Plan	Grading Plan under preparation to conform
8. Historic Preservation: Min width of ROW on Redgrave place; provide sewer easements; John Clark memorial space; provide ROW and moving expenses to move the historic house in the way of Main Street	Addressed in Phase I Site Plan
9. Compatibility to Church and adj residences in historic district	Addressed in Phase I Site Plan
10. Revised Street Layouts: Town Square Loop; Stringtown Road frontage; no access to elem school from Greenway Road; Revise access to A-305 at Burnt Hill Rd; use private drives next to A-305; receive waivers prior to SP approval	Phase I addressed Town Square Loop; Stringtown Road frontage; remainder addressed with Phase II site plan
11. Staging of amenities	Greenway amenities to be constructed with Phase I
12. Landscaping : Streetscape; buffer areas adj to arterials; SWM areas	On Site Plan
13. Maintenance by HOA	HOA established with Phase I Site Plan
14. Additional Access to A-260 and A-27	Provided in Phase I Site Plan

**PRELIMINARY PLAN # 1-95042****SITE PLAN RESPONSE**

1. Density limited to 1,300 du; 150,000 sf of retail and 100,000 of office; Tran Memo of 9/26/95; record plat phasing sched	Site Plans conform; per earlier record plat phasing approval
2. FCP conformance	Per each site plan review and approval
3. Commercial area pond outside stream buffer	Per Phase I approval
4. Ag areas out of production	Prior to Phase I construction
5. Road dedications	As recorded
6. Dedication of Park School site with detailed provisions	Per Phase II site Plan - see discussion above in Issues Resolved During Site Plan Review
7. Applicant to enter into agreement to grades, etc ball fields	Per Phase II Site Plan
8. Record Plats to delineate conservation areas	Per Phase I and II record plats
9. No clearing or grading prior to SP approval	Borrow and storage areas approved by Planning Board at time of record plat phasing revisions
10. Final # and loc. of units at time of SP	Adjustments made as needed
11. Access and improvements as required	Per site plan per phasing plan
12. Conditions of MCDEP Memo of 7/28/95	Addressed in the FWQ Plan
13. Final # on MPDU's to be determined with site plan	Phasing schedule to be provided to Planning Board
14. Prelim Plan approval tied to Proj Plan	Site Plans follow conditions as determined
15. Other necessary easements	As required
16. Building Permit Schedule	SPEA to include
17. Validity Period	Site Plans Conform

#### **ANALYSIS: Conformance to Master Plan**

The earlier project plan approval # 9-9404 has established the plan conformance with the Master Plan. The land use, circulation and urban design objectives have been met.

# Charles P. Johnson & Associates, Inc.

Planners Engineers Landscape Architects Surveyors

Silver Spring, MD

Frederick, MD

Fairfax, VA

**CPI**  
Associates

May 02, 2002

Wynn Witthans  
MNCPPC  
8787 Georgia Avenue  
Silver Spring, MD

Re: Clarksburg Town Center  
Phase II  
8-02014

Dear Mrs. Witthans, *Wynn*

On behalf of our client, Terrabrook we are requesting a waiver for lots fronting on a public right of way as required by the zoning ordinance. The lots in question are 39 and 40 Block N (as shown on our site plan) and they have access to both a private drive and private alley. It is our understanding that Montgomery Count DPS is requiring us to change the road in front of these units from a public to a private street, therefore creating this condition.

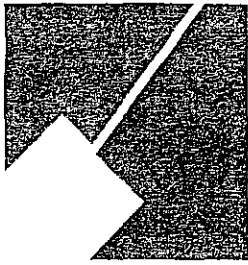
Thank you for your consideration in this matter.

Sincerely,

*Lesley W. Powell*  
Lesley W. Powell

LWP/grw

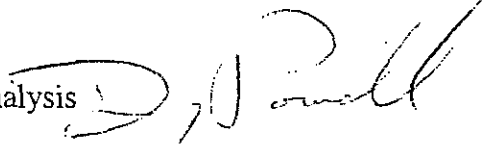
W:\WPFILES\Letters\MNCPPC-WW.wpd



## MEMORANDUM

May 2, 2002

TO: Wynn Witthans, Development Review

FROM: Doug Powell, Park Planning and Resource Analysis 

SUBJECT: Clarksburg Town Center, Site Plan #8-02014

---

Park Planning and Resource Analysis staff has reviewed the above-referenced Plan and requests certain **CONDITIONS OF APPROVAL** as set forth below

- Applicant to provide site grading, infield preparation and appropriate seeding for construction of a full sized softball field (foul lines of at least 290') and construction of a full sized soccer field (360' by 220'). Fields to be constructed to park standards and specifications, and are to be located on land being dedicated to M-NCPPC which is adjacent to, and north of the current boundary of Kings Local Park. Applicant acknowledges that there is sufficient earth material on site to construct both fields and agrees to construct the two fields upon commencement of construction of Street "F" referenced in the Preliminary Plan approval, or prior to construction of the proposed elementary school, whichever occurs first. Exact location and orientation of the fields to be coordinated with M-NCPPC staff. **This condition can be facilitated by adding the following to your memorandum:**
  - a. "Regarding the ball fields,
    - a. Applicant will not disturb the two existing athletic fields at Kings Local Park, or cause them to be unusable, until at least such time as the two new fields are operational.
    - b. Condition # 6 from approved Preliminary Plan # 1-95042 shall apply as follows:
      - 1. Applicant acknowledges that there is sufficient earth material on site to construct both fields and agrees to construct the two fields upon commencement of construction of Street "F" referenced in the Preliminary Plan approval, or prior to construction of the proposed elementary school, whichever occurs first.



2. **The exact location and orientation of the fields to be coordinated with M-NCPPC staff.**
3. **The softball field to be full sized with foul lines of 290 feet.**
4. **The soccer field to be full adult size with dimensions of 360' by 220'."**

- Applicant to construct paved hiker/biker trails in the following locations:
  - a. Along the east side of Overlook Park Drive from Stringtown Road to Clarksburg Road (Route 121). This trail will be aligned to meet the Clarksburg Greenway Trail from the south side of Stringtown Road.
  - b. From the Clarksburg Greenway Trail along Overlook Park Drive to the Kings Local Park pond trails (two connections to the pond trail).
  - c. Along the south side of Clarksburg Road from the pond area trails to the intersection with Piedmont.
  - d. Along the south side of Piedmont from Clarksburg Road to Street "F".
  - e. Along the west side of Street "F" from Piedmont to Main Street and continuing along Main Street to the Greenway Trail along Overlook Park Drive.

Trails are to be constructed to park standards. Exact trail alignments and widths to be coordinated with M-NCPPC and DPWT staff, and should be appropriately located and landscaped to maintain a park like setting while also fulfilling the need for safe, off road transportation in the area.

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

Date of mailing: March 26, 1996

MONTGOMERY COUNTY PLANNING BOARD  
REVISED OPINION

Preliminary Plan No.: #1-95042  
Name of Plan: Clarksburg Town Center

Action: Approval, subject to conditions. (Motion by Commissioner Aron; seconded by Commissioner Holmes; with a vote of 5 to 0, Commissioners Aron, Holmes, Hussmann, Baptiste and Richardson voting in favor of the motion).

INTRODUCTION

On September 28, 1995, the Montgomery County Planning Board ("Board") held a public hearing to consider Preliminary Plan 1-95042, an application for subdivision approval in the RMX-2 zone. The proposed uses include residential, retail and commercial development. The Applicants, Piedmont & Clarksburg Associates, proposed to create 834 lots on 267.50 acres of land.

At the hearing, the Board heard testimony and received evidence submitted in the record on the application. Based upon the testimony and evidence presented, the Board finds Preliminary Plan 1-95042 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-95042, subject to the conditions listed at the end of this opinion.

BACKGROUND

The property is located northeast of Maryland Route 355 between Clarksburg Road and Stringtown Road (A-260 on the Master Plan). Piedmont Road crosses through the northern portion of the property. The Applicant proposes construction of 1,300 dwelling units, including townhomes, multi-family and single-family residences. The proposal also includes 150,000 square feet of retail space and 100,000 square feet of office/development space.

The underlying development authority, Project Plan No. 9-94004, was approved by the Planning Board on May 11, 1995, after two prior Planning Board meetings (held on April 6 and 20, 1995). The record for Preliminary Plan 1-95042 specifically includes the records from those prior hearings.

## DISCUSSION AND FINDINGS

The Planning Department staff evaluated the transportation effects of the subject application as required by the Subdivision Regulations and as recommended in the Master Plan. First, the Board must determine that public facilities, including roads, will be adequate to support and service the area of the proposed subdivision. Staff evaluated the impact of the proposed development on nearby roads and intersections in accordance with the Local Area Transportation Review Guidelines. Necessary local area transportation review improvements for this project are identified in condition #2 for Project Plan No. 9-94004.

The second level of transportation review was based on the Master Plan recommendation that development districts, or alternative financing mechanisms, be implemented prior to new development, to ensure that road infrastructure be provided to support recommended Master Plan development. The Clarksburg Master Plan specifically addressed the County's fiscal concerns that the timing and sequence of development in the area should be responsive to the fact that capital improvements funding required to support new growth will have to come from a variety of sources, including government sources and private development. As part of the Project Plan discussion, the Board requested staff to conduct an analysis of the Master Plan road network, determine the amount of road infrastructure required, evaluate how the roads would be built, and recommend when they should be built.

The Master Plan anticipated a funding shortfall for the construction of schools, local roads and other community facilities recommended in the Master Plan to serve the expected new growth. In response to this, the Master Plan recommended that development in Clarksburg should occur in stages conditioned upon the ability of private developers to fund a significant portion of the infrastructure improvements or the availability of other new sources of revenues. The Planning Board expressed a desire to address the Master Plan's stated need to comprehensively allocate among developers a responsibility to construct portions of road infrastructure in a fair and equitable manner.

To ensure that the Applicant fund its share of road infrastructure, as best can be determined at this time, staff recommended that the Applicant improve Stringtown Road (A-260), to County standards as a two lane road within the Master Plan Alignment, No. 2. as of August 25, 1995. Staff's assessment was based on the 1993 Fiscal Impact Analysis prepared by the Montgomery County Office of Planning Implementation (OPI), as part of the Clarksburg Master Plan review. The OPI study projected a funding gap of approximately \$89 million for required infrastructure. The Study also projected approximately \$37 million in revenues to be generated by the Construction Excise Tax (CET). Since the CET has been repealed, this loss of

anticipated revenue must be added to the capital gap, with a total estimated funding gap of approximately \$126 million. Staff thus estimated the Applicant's share of this infrastructure to be approximately 10 percent, or \$12.5 million, with no County or State input. The Planning Board concluded that the Stringtown Road improvement, which will be the responsibility of the applicant, represents the current best estimate of the Town Center's share of the Master Plan road infrastructure (as more particularly identified in revised traffic staff memo of 09/26/95.)

Staff noted that if the Council adopts an impact tax or other alternative road infrastructure funding mechanism, then the Applicant's contribution (in the form of improvements to Stringtown Road) will be assessed and, if found lacking, will be augmented by additional tax requirements. The Board determined that the infrastructure schemes proposed by the Master Plan are legislative in nature, will be implemented by the Council, and may or may not grandfather development predating any such legislation. The Board concluded that to anticipate the Council's actions would be presumptive, and premature.

MCDOT has requested that the hiker/biker trail shown in the Clarksburg Master Plan along Stringtown Road (A-260) be constructed along P-5 from Frederick Road (MD 355) to Piedmont Road (A-305), in lieu of the Master Plan Alignment. The developer has agreed to construct the hiker/biker trail along P-5.

Applicant also will be required to dedicate approximately 8 acres of land for a future school site, to be used in the interim as public parkland. At the time the school is developed, if ever, the parkland adjoining the school site will be jointly used as school athletic facilities and public parkland under an easement agreement between The Maryland-National Capital Park and Planning Commission and Montgomery County Public Schools (MCPS). MCPS staff asked that the entire future school site (10-12 acres) be dedicated to MCPS at this time. Under normal circumstances this would be the usual procedure. In this instance, however, staff recommended and the Board agreed that within the Clarksburg Town Center, a planned park/school site provides a more efficient use of land than separate facilities. In addition, if the land ultimately is not needed as a school site, then the land should be retained as public parkland. The Board determined that this joint use, with the recreational facilities remaining under The Maryland-National Capital Park and Planning Commission ownership, would afford the most efficient public use of the land.

Therefore, with all of the evidence heard and all testimony taken, The Planning Board, approved the plan, including (1) waiver of the distance between intersections requirements as contained in Section 50-26 of the Subdivision Regulations and (2) approval of closed street sections subject to MCDOT approval. The approval is subject to the following conditions:

1. Agreement with Planning Board to limit development to a maximum of 1300 dwelling units, 150,000 square feet of retail uses and 100,000 square feet of commercial office uses, subject to the following requirements:
  - (a) Agreement with the Planning Board to provide the necessary roadway improvements as identified in the phasing section of the revised Transportation Planning Division Memorandum dated 09/26/95.
  - (b) The recordation of the subdivision plats for the Clarksburg Town Center project shall be phased over a nine year period. Plats may be recorded in three separate phases with each phase being completed within a thirty-six month period. Applicant to record plats for at least 200 residential units during Phase 1. Applicant must submit a plat recordation schedule for Phases 2 and 3 for Planning Board approval as part of the Phase 1 site plan review.
2. Compliance with Environmental Planning Division approval regarding the requirements of the forest conservation legislation. Applicant must meet all conditions prior to recording of plat or MCDEP issuance of sediment and erosion control permit, as appropriate.
3. The commercial area's stormwater management forebay, sand filter #6 and associated grading that cannot be forested must be located outside of the required stream buffer. The SWM facilities should be designed to promote aesthetics and effectiveness.
4. Agricultural areas within the environmental buffer will be taken out of production and stabilized with a suitable grass cover no later than Spring, 1996.
5. Dedication of the following roads as shown on plan must be provided as follows:
  - (a) Clarksburg Road (MD RT.121) for ultimate 80' right-of-way.
  - (b) Piedmont Road (Master Plan A-305) for ultimate 80' right-of-way.
  - (c) Stringtown Road (Master Plan A-260) for ultimate 120' right-of-way.
6. Dedication of the proposed park/school, as shown on the Applicant's revised preliminary plan drawing, is to be made to M-NCPPC. In order to facilitate the implementation of the combined park/school facilities, the following provisions apply:

- (a) M-NCPPC and the Applicant will enter into an agreement specifying that an exchange of land, identified as areas "B1" and "B2" on the park/school concept drawing set out on Circle Page 49 of the staff report, will occur prior to the execution of the Site Plan Enforcement Agreement.
- (b) Dedication of the approximately 8 acre area, identified as area "A" on the same park/school concept drawing identified above, will occur either at the time of recordation of the plats for the adjacent phase of the project or at such time as funds for construction of the future elementary school are added to the County CIP, whichever occurs first.
- (c) The Applicant will provide site grading, infield preparation and seeding of the replacement athletic fields on the approximately 8 acres of dedicated land at a time which insures that there will be no disruption in the continued use of the existing athletic fields prior to completion of the replacement athletic fields.
- (i) In the event that dedication occurs when funds for the proposed school are shown in the CIP, Applicant will complete work on the replacement fields prior to the construction of the proposed school.
- (ii) In the event that dedication occurs prior to funding for the school being shown in the CIP, then upon construction of Street "F", as shown on the revised preliminary plan, Applicant will commence work on replacement of the baseball field. In addition, if at site plan it is determined that there is sufficient earth material on site to construct both replacement fields, then Applicant will also rough grade and seed the replacement soccer field when construction of Street "F" begins. Area tabulations for the proposed park/school complexes to be submitted for technical staff review at site plan. Final grading plan for the park/school site to be submitted for technical staff approval as part of the site plan application.

7. In accordance with Condition #6 above, Applicant to enter into an agreement with the Planning Board to provide for site grading, infield preparation and seeding of the replacement athletic fields in accordance with Parks Department specifications, as shown on the preliminary plan drawing, and as specified in the Department of Parks' Memorandum dated September 22, 1995. The construction of

the replacement athletic fields must occur as specified in Condition #6.

8. Record plats to reflect delineation of conservation easements over the areas of the 100 year floodplain, stream valley buffer, wetland buffer and tree preservation and/or reforestation and greenway dedications.
9. No clearing, grading, or recording of plats prior to site plan approval.
10. Final number and location of units to be determined at site plan.
11. Access and improvements as required to be approved by MCDOT and MDSHA.
12. Conditions of MCDEP stormwater management approval dated 07/28/95.
13. Final number of MPDU's to be determined at site plan dependent on condition #10 above.
14. Preliminary Plan 1-95042 is expressly tied to and interdependent upon the continued validity of Project Plan No. 9-94004. Each term, condition, and requirement set forth in the Preliminary Plan and Project Plan are determined by the Planning Board to be essential components of the approved plans and are, therefore, not automatically severable. Should any term, condition, or requirement associated with the approved plans be invalidated, then the entirety of the approved plan must be remanded to the Planning Board for further consideration. At that time, the Board shall determine if all applicable requirements under State and County law will be met in the absence of such term, condition and requirement, and if some alternative, lawful conditions or plan revisions related to the severed term, condition, or requirement are then required.
15. Other necessary easements.
16. The following phasing requirements are conditioned upon issuance of building permits for the subject preliminary plan:
  - (a) The first 44 dwelling units without any off-site road improvements.
  - (b) After the 44th building permit, the developer must start reconstruction of the southbound right turn lane along MD 355 at MD 121 to provide a "free flowing" movement.



(c) After the 400th building permit, the developer has two options:

- 1) Construction of A-260 from MD 355 to the southern access road of the commercial site (commercial access road between A-260 and P-5) and construction of P-5 across the stream valley into the residential area north of stream valley.
- 2) Construction of A-260 from MD 355 to the northern access road of the residential development and construction of a northbound right-turn lane along MD 355 at A-260 should be included in this phase.

(d) After the 800th building permit, the developer must start construction of ~~remaining~~ section of A-260 to A-305, and intersection improvements at MD 355 and MD 121 to construct eastbound & westbound left-turn lanes along MD 121.

(e) Construction of A-305 from A-260 to MD 121 must begin when the developer starts building any of the residential units on blocks 11, 12, 13, and the northern half of block 10.

17. This preliminary plan will remain valid until March 26, 2005. (9 years and 1 month from the date of mailing which is February 26, 1996). The recordation of plats shall occur in accordance with the phasing identified in Condition 1(b) of this opinion, and as further stipulated in the Planning Board's approval of the phase 1 site plan review. Prior to the expiration of the validity period for each phase, a final record plat for all property delineated in a particular phase must be recorded or a request for an extension must be filed. The first phase of the preliminary plan must be recorded by March 26, 1999 or a request for an extension must be filed.

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MONTGOMERY COUNTY PLANNING BOARD  
REVISED OPINION

Project Plan No. 9-94004

CLARKSBURG TOWN CENTER

RMX-2 Zone

1300 Residential Units, 150,000 Square Feet of Retail, and 100,000 Square Feet of Office

SE Quadrant Frederick Road/Stringtown Road

Clarksburg

Date Mailed: June 12, 1995

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Action: On May 11, 1995, motion was made by Commissioner Aron, seconded by Commissioner Holmes, with a vote of 3-1, Commissioners Aron, Holmes, and Hussmann voting for the motion. Commissioner Baptiste opposed to the motion, and Commissioner Richardson absent.

On December 6, 1994, the Clarksburg Town Center Venture (Piedmont Land Associates L.P. and Clarksburg Land Associates L.P.) submitted a complete project plan application seeking to develop pursuant to the optional method of development in the RMX-2 Zone. The application includes a range of housing opportunities, retail shops, a grocery store, restaurants, personal services, and offices.

On April 6, April 20, and May 11, 1995, Project Plan #9-94004 was brought before the Montgomery County Planning Board for a public hearing pursuant to Chapter 59 of the Montgomery County Code. At the public hearings, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based on the oral testimony, written evidence submitted for the record, and the staff report, the following conditions and findings are hereby adopted.

In voting against the motion, Commissioner Baptiste was concerned about approving this project plan before the water quality regulations, the sewer authorization, and the creation of a development district to fund future roads were complete. The other Commissioners were aware of these issues, but they determined that these issues were addressed at a concept level for the project plan. The remaining more specific issues could be addressed prior to approval of the preliminary plan.

## CONDITIONS

The Planning Board approves Project Plan No. 9-94004 subject to the following conditions:

### 1. Development Ceiling

The project plan for the Clarksburg Town Center is limited to 1300 dwelling units, 150,000 square feet of retail space, and 100,000 square feet of office space to be constructed in three basic phases as shown in the project plan. The following is the staging plan for traffic improvements:

- a. Stage 1 - 950 Units
- b. Stage 2 - 155 Units
- c. Stage 3 - 195 Units  
- 90,000 Square Feet of Retail
- d. Stage 4 - 60,000 Square Feet of Retail  
- 75,000 Square Feet of Office
- e. Stage 5 - 25,000 Square Feet of Office

The public building areas (i.e., elementary school, park buildings, and library) are not included in the calculations.

### 2. Transportation Improvements

The following road improvements, at each stage of development, are needed to provide enough capacity to serve the proposed development:

- a. Stage 1 - Reconstruction of the southbound right turn lane along MD 355 at MD 121 to provide a "free flowing" movement.
- b. Stage 2 - Construct an eastbound left turn lane along MD 121 at MD 355.  
- Construct a westbound left turn lane along MD 121 at MD 355.
- c. Stage 4 - Construct a northbound right turn lane along MD 355 at Stringtown Road.
- d. Stage 5 - Restripe eastbound Comus Road to provide exclusive left turn lane at MD 355.
- e. A-260 (Stringtown Road) must be dedicated to a right-of-way of 120 feet. At the preliminary plan, if determined that the property is not part of a participation agreement with MCDOT and other property owners, the safety improvements described in paragraph 4., will be made to Stringtown Road.

f. Participate in the Gateway I-270 Office Park road improvements as described below unless determined as not appropriate at the preliminary plan. At such time as the developer of the Gateway 270 Office Park commences construction of its required improvements between I-270 northbound off-ramp and the entrance to Gateway 270 Office Park (Transportation Planning Division memorandum dated September 25, 1989, Paragraph 1.b. and 2.), the applicant shall participate in such improvements provided:

1. Applicant has not completed its Stage 3 traffic improvements for the project.
2. Gateway I-270 preliminary plan has not expired.
3. Applicant's participation shall be limited to its pro rata share of traffic through this link in relation to the traffic to be generated by Gateway I-270 Office Park approvals plus any other approved development projects that place traffic through this link.

3. Dedication and Construction of A-305 (Mid-County Highway)

A-305 (Mid-County Highway) must be dedicated to a right-of-way of 80 feet and constructed as a two lane, open section arterial to replace Piedmont Road unless the scope of improvements are reduced at preliminary plan. Along that portion of A-305 near Stringtown Road, the required dedication shall be 40 feet from the current center line of Piedmont Road (along Hennigan, Purdum et al) which will allow for construction of A-305 to Stringtown Road at its current location. If the right-of-way is not available at the time of record plat for that portion of the property along this section, the applicant shall dedicate the full 80 feet along this portion of A-305. Construction will not be necessary until construction of single family detached units within the existing right-of-way for Piedmont Road has started.

4. Dedication and Construction of A-260 (Stringtown Road)

If a participation agreement is determined necessary at preliminary plan, but does not occur before the necessary access points to the commercial area or part of the residential area from A-260 are needed, then the following improvements to existing Stringtown Road must be completed to increase safety as required by MCDOT. For safety purposes, the improvements at public streets A and H include 250-300 feet of bypass travel lanes at each access point. The right-of-way for A-260 (Stringtown Road) will be located outside of the Historic District with a transition to the center line of the existing roadway north of the crossing of Little Seneca Creek.

**5. Environmental Improvements Before Approval of the Preliminary Plan**

Submit for review before the Planning Board hearing on the preliminary plan the following:

- a. Concept plan for the proposed SWM facilities and roads near or in stream buffer, and associated grading, with indication of where tree planting is permitted.
- b. A staging plan for SWM with the extent of each proposed phase of development and the order in which they will be built. This shall be submitted as part of the first site plan, and should cover the entire site.
- c. A preliminary forest conservation plan addressing priority for planting in the Little Seneca watershed. As site plans for each portion of the site that abut afforestation areas are submitted, detailed afforestation plans for that section will be provided. Within each area of development, planting shall occur as early as practicable given land development activity constraints in accordance with logical staging concepts. Forestation requirements will be satisfied first in Little Seneca basin on-site, then in the Little Bennett basin on-site, then in stream buffer areas in Little Seneca off-site if the land is made available, and if a good faith effort to arrange such land availability fails, then elsewhere on the site.
- d. Applicant shall meet all requirements for preliminary water quality plan submission and approval, per Chapter 19, Article V - "Water Quality Review in Special Protection Areas" (proposed monitoring plan may be submitted as part of the review of the site plan). Location of units, roads, and other layout concerns will be subject to the final water quality regulations.

**6. Environmental Improvements**

- a. Minimize disturbance in the stream buffer except for road crossings, unavoidable utilities, SWM locations adjoining the town center retail area and greenway road, soft surface pathways, and memorial elements.
- b. As part of the preliminary plan, provide an area within the applicant's stormwater management facilities for stormwater management for the school site .

7. **Park/School**

The proposed layout of the park/school site is generally acceptable. At the preliminary plan, the final concept plan and related terms and conditions will be finalized in coordination with the Parks Department and Montgomery County Public Schools.

8. **Historic Preservation**

Incorporate the following items into the project plan before review of the site plan for this area:

- a. Minimize the width of both the right-of-way and paving (50 feet of ROW and 24-26 feet of paving; subject to approval by MCDOT) for Redgrave Place (Main Street) located within the Historic District.
- b. Provide access easements, if applicable, to future public sewer at the intersections of A-260 (Stringtown Road) and Redgrave Place (Main Street) with MD 355 (Old Frederick Road).
- c. Provide a small open space along the northern edge of the greenway next to Redgrave Place (Main Street) with an interpretive memorial element for the family of John Clark that incorporates the existing grave markers.
- d. If the ROW is available, construct Main Street to MD 355 within the Historic District prior to completion of Stage 3. At such time when the land is made available, share direct moving expenses only for relocating an existing house within the Historic District, and if the applicant and property owner agree, make available the identified outlot to be merged with a portion of the adjacent parcel so as to create another lot.

9. **Compatibility with Existing Church and Adjacent Residences Within the Historic District**

Increase the setback of the proposed public street located next to the church within the Historic District to 30 feet and provide screening for the existing cemetery. Relocate the tot lot away from the existing church, and maintain the area as open space to provide a potential linkage to the church. The size of lots and setbacks of the proposed development must match, approximately, the development standards in the

R-200 Zone for building setbacks and width of lots along the southeastern boundary of the site within the Historic District. Revise the landscape plan to increase visibility to the church. Provide an easement for a pedestrian connection to the church for the proposed, adjacent street.

## 10. Revise the Layout of Streets

Incorporate the following items into the site plans for each stage of development:

- a. Improvements to the Town Square - Increase the size of the Town Square by utilizing a loop concept as shown on the revised drawing to reduce conflicts with east/west traffic and to improve pedestrian access.
- b. Relocate A-260 (Stringtown Road) in accordance with the revised alignment diagram to reduce the impact on adjacent residences. Reduce the number of access streets to A-260 from the area of the existing single family detached units (5) on the north side of Stringtown Road to meet the design standards for arterial roads.
- c. Eliminate the access to the proposed elementary school from MD 121 and provide access from the Greenway Road.
- d. Revise the access to A-305 (Mid-County Highway) to allow a direct connection from Burnt Hill Road to the Greenway Road, and improve the access to the single family detached units by utilizing private drives adjacent to A-305.

The present street system shown in the project plan requires waivers of existing standards. The applicant and staff have met with MCDOT to discuss the waivers. All waivers must receive final approval from MCDOT before approval of the site plan.

## 11. Staging of Amenities

All amenities shown within each stage of development must be completed within that stage of development. The concept design for the greenway, the school/park, and other large play fields, must be completed before approval of the first site plan.

Construction of the amenities within the greenway must be finalized before the completion of Stage 3.

## 12. Landscaping

The following items must be incorporated into the site plans:

- a. Street trees, high quality street lights, sidewalk paving types, and street furniture as part of the design for the streetscape of roads, the Town Square, and the neighborhood squares.



- b. Increased landscaping in the commercial parking area.
- c. Landscaping for the buffer areas adjacent to all arterial roads.
- d. Screening for the existing homes within the Historic District.
- e. Landscaping for all stormwater management areas.

### 13. Maintenance

Maintenance of the private recreation areas, stormwater management facilities, applicable open spaces, and other amenities on private land must be maintained by an appropriate homeowners association. Before approval of the first building permit, submit a maintenance document that establishes an overall organization that establishes responsibility for maintenance of these facilities.

### 14. Additional Access to A-260 (Stringtown Road) and A-27 (Clarksburg Road)

Provide for an additional connection from Redgrave Place (Main Street) to the boundary of the historic district to permit a future connection to A-260 (Stringtown Road). Connect the private street that leads to the Town Square to A-27 (Clarksburg Road) with approval from the Planning Board and MCDOT provided this private street remains private.

As part of the review of the project plan, the Planning Board approved three waivers. The first waiver allows the use of closed section streets (curb and gutter) in special protection areas instead of open section streets. Closed section streets were approved because the high density of the development and the mix of commercial and residential uses are not appropriate for the use of open section streets. The project plan includes special stormwater infiltration measures for the streets instead of the use of open section streets. The Clarksburg Master Plan anticipated the use of closed section streets in the town center area.

The second waiver concerns the use of on-street parking. Waivers to utilize some on-street parking to reduce the requirement for off-street parking were approved subject to final review by the Planning Board at the site plan hearings.

The Planning Board also approved a third waiver to reduce setbacks along the streets and boundary lines as permitted in the Zoning Ordinance if designated in a master plan. These reduced setbacks will allow buildings to be oriented to streets to encourage the use of sidewalks and generally improve the pedestrian environment. The Clarksburg Master Plan also anticipated the reduction in setbacks to foster the creation of a pedestrian oriented town.

## **FINDINGS**

### **1. Conforms with the Requirements and Intent of the RMX-2 Zone**

The Planning Board finds that Project Plan #9-94004, as conditioned, meets all of the purposes and requirements of the RMX-2 Zone. A summary follows that compares the development standards shown with the development standards required in the RMX-2 Zone.

## DATA SUMMARY: CLARKSBURG TOWN CENTER

Items	Required	Proposed
Lot Area	NA NA	201.34 acres (RMX-2) 68.82 acres (RDT) 270.16 acres total
Minimum Green Area or Outside Amenity Area:		
a. Within Commercial Area	15% (2.19 ac.)	28% (4.06 ac.)
b. Within Residential Area	50% (93.37 ac.)	53% (99.47 ac.)
c. Within RDT Area	NA	(25.72 Acres)
Density of Development Shown in the Master Plan:		
a. Retail	150,000 sq.ft.	150,000 sq.ft.
b. Office	770,000 sq.ft.	100,000 sq.ft.
c. Civic Use (not including elementary school)	NA	24,000 sq.ft.
d. Residential	1380 du (5-7 du/ac)	1300 du (6.6 du/ac)
MPDU's	12.5%	12.5%
Maximum Gross Leasable (Non-Residential) Floor Area	600,000 sq.ft. (0.5 FAR)	250,000 sq.ft. (0.39 FAR)
Setbacks:		
a. From One-Family Zoning		
- Commercial Bldgs.	100 ft.	300 ft. min.
- Residential Bldgs.	50 ft.	50 ft. min.
b. From Any Street*		
- Commercial Bldgs.	NA	0 ft. min.
- Residential Bldgs.	NA	10 ft. min.
Building Height:		
a. Commercial	4 stories	4 stories (50 ft.)
b. Residential	4 stories	4 stories (45 ft.)
Parking Spaces:		
a. Off-street	2910	2910
b. On-street	NA	596**

Notes: \* No minimum setback is required if in accordance with an approved master plan.

\*\* Off-street parking is necessary to provide street oriented buildings. A waiver from the on-street parking requirements is needed within some of the townhouse and multi-family areas.

The setback of residential buildings next to the Clarksburg Historic District must be modified to have a minimum setback of 50 feet.

**2. Conforms to the Clarksburg Master Plan and Hyattstown Special Study Area**

The Planning Board finds that Project Plan #9-94004, as conditioned, is in conformance with the Approved and Adopted Clarksburg Master Plan and Hyattstown Special Study Area. The land use, circulation, and urban design objectives described in the Master Plan have been met by the Clarksburg Town Center. The mix of dwelling units conforms to the guidelines in the master plan as summarized in the following chart:

Unit Types	Master Plan Guidelines	Proposed Density Range
a. Single family detached units	10-20%	130-260 Units
b. Single family attached and townhouses	30-50%	390-650 Units
c. Multi-family units	25-45%	325-585 Units

**3. Compatibility with the Neighborhood**

The Planning Board finds that the project plan, as conditioned, will be compatible with the existing and potential development in the general neighborhood because of its location, size, intensity, staging, and operational characteristics.

**4. Will Not Overburden Existing or Proposed Public Services**

The Planning Board finds that the proposed development, subject to its compliance of any requirements imposed by the preliminary plan will not overburden existing public services nor those programmed for availability, concurrently with each stage of development. Since approval of the project plan does not determine authorization or prevent other developments from proceeding, the Planning Board approves the project plan with the understanding that final authorization is dependent on the finding that Clarksburg Town Center will not preclude development of the Germantown Town Center.

**5. Is More Efficient and Desirable than the Standard Method of Development**

The Planning Board finds that the proposed project, as conditioned, will be more efficient and desirable than the standard method of development. This optional method project consists of a mix of uses which are recommended in the Master Plan. These uses are not permitted under the standard method of development.

The amenities and facilities provided as part of the optional method of development fosters the creation of a transit and pedestrian oriented town surrounded by open space. The green way network of amenities provides a major open feature. The town

square, and the neighborhood squares provide amenities within the entire development. The streetscape system provides a comprehensive system in addition to the minimum design standards. The recreational facilities provide small open play areas for the local neighborhood and large fields for the entire planning area that exceed the minimum standards. The orientation of buildings to streets and the layout of blocks provide a pedestrian orientation for the town center.

**6. Includes Moderately-Priced Dwelling Units**

The application includes moderately-priced dwelling units.

**ANALYSIS: Conformance to Development Standards for the RMX-2 Zone**

**PROJECT DATA TABLE**

Development Standard	Permitted/ Required	Proposed
Lot Area (ac.):	30 ac.	77.61 AC Phase II 270.16 AC Total CTC parcel
Density (dwelling/acre):		
Dwelling Units:	1,300 total	487 du
One-family detached		
One-family attached Townhouse		
Multiple-family		
TOTAL		
Moderately-priced DU's included (see discussion ahead)		
Min Green area outside of amenity area (total for site)		
Min. W/in Commercial portion of site	15%	n/a
Min. w/in residential portion of the site	50%	52.4%(40.68 Ac)
Building height:	4 stories	4 stories
Min.Residential Density	30 du/ac	11.9du/ac (1,300 du/109.17 ac)
Min. Bldg Setbacks (ft.):		
From One Family Zone		
Commercial bldgs	100 ft.	n/a Phase III
Residential bldgs	100 ft.	n/a
From Any Street		
Commercial bldgs	n/a	n/a Phase III
Residential bldg	n/a	10 ft min*
Parking:		

75	Phase I	153	Phase II
295		202	
398		132	
768		487	
96		44	

Total @ 2/du for TH & MF (SFD pkg provided on lots)	668	668
		264 off street
		404 Garage
Standard	654	654
Handicapped-accessible	14	14
(On street parking not included)		

*How many spaces  
on street?*

\* The Planning Board reviewed this setback during the Project Plan review and found that no setback is necessary per the approved Master Plan.

### MPDU CALCULATIONS:

MPDUs required : 163 (12.5% of 1,300 units)  
 MPDUs provided: Phase I: 96 Phase II: 45 Subtotal: 141 MPDU's for  
 1,231 units or 11.45 %

With the approval of this Phase II Site Plan, the MPDU provision is slightly behind the number of units approved. To balance out the number of MPDU's with the number of units approved, a portion of units within Phase I are proposed to be delayed in construction. These 150 (approximately) units are identified as Block EE and GG on the MPDU Phasing Plan of May 2, 2002. These blocks are intended to be revised by the applicant in the future and returned to the Planning Board for re-approval. When the final section of Phase III retail and the residential and the revised Phase I residential uses are reviewed by the Planning Board the full measure of MPDU's will be supplied to the project.



## RECREATION CALCULATIONS:

The recreations calculations have been re-assembled with the previously approved sections of CTC Phase I because of the contiguous nature of the development. The calculations do not diminish the earlier approvals as they are based on the same number of units.

# RECREATION FACILITIES WORKSHEET

Clarksburg Town Center  
Phases 1B1, 1B2, 1B3 & 2

## DEMAND POINTS PER POPULATION CATEGORY

HOUSING TYPE		D1	D2	D3	D4	D4
S.F. III	229	32.1	43.5	41.2	295.4	16.0
Townhouses	476	80.9	104.7	85.7	614.0	33.3
Garden/Multi-Family	230	25.3	32.2	27.6	271.4	36.8
<b>TOTAL DEMAND</b>	<b>935</b>	<b>138.3</b>	<b>180.4</b>	<b>154.5</b>	<b>1,180.8</b>	<b>86.1</b>

## SUPPLY POINTS PER FACILITY

FACILITY	D1	D2	D3	D4	D5
Seating Areas (31)	31.0	31.0	46.5	155.0	62.0
Multi-Age Play (3)	27.0	33.0	9.0	21.0	3.0
Tot Lot (2)	18.0	4.0	0.0	8.0	2.0
Open Play II (2)	12.0	18.0	24.0	60.0	4.0
Swimming Pool (1)	7.4	35.9	30.8	287.5	12.7
Wading Pool (1)	20.1	8.8	0.0	57.5	4.2
Community Space (1)	13.4	26.3	45.1	345.0	33.8
Indoor Fitness (1)	0.0	17.5	15.0	230.0	12.7
Soccer Field (1)	2.0	15.0	20.0	40.0	2.0
Baseball Field (1)	2.0	15.0	20.0	40.0	2.0
Nature Trail	6.7	17.5	22.5	172.5	12.7
Nature Area	0.0	8.8	15.0	115.0	4.2
Bike System	6.7	17.5	22.5	172.5	8.4
Pedestrian	13.4	35.0	22.5	517.5	38.0
<b>TOTALS</b>	<b>159.7</b>	<b>283.3</b>	<b>292.9</b>	<b>2,221.5</b>	<b>201.7</b>

## FINDINGS: For Site Plan Review

1. *The Site Plan is consistent with the approved Project Plan # 9-9404 approved May 11, 1995 for the optional method of development as required. See conformance analysis above.*
2. *The Site Plan meets all of the requirements of the zone in which it is located. See project Data Table above.*
3. *The location of the building and structures, the open spaces, the landscaping, recreation facilities, and the pedestrian and vehicular circulation systems are adequate, safe and efficient.*

### a. Buildings

The proposed layout of buildings and the arrangements of open spaces create a traditional neighborhood that orients building towards the tree and sidewalk lined streets and provides for common open areas to enjoy natural or more designed open spaces. The variety of buildings: single family detached and townhouses and multifamily, all add interest to the community and provide for a variety of living opportunities.

The MPDU's are truly mixed within the subdivision by type and location so they are a seamless part of the community. Recreation facilities are dispersed throughout the neighborhood and allow for a variety of recreational experiences.

The location of the Community Building and pool on the hilltop provides a focus for the community visually and functionally in its central location. A well designed gazebo and adjacent landscaped areas further promote the function of the civic space.

### b. Open Spaces

Open spaces are provided within the development and in the adjacent stream valleys. Within the developed areas, the open spaces provide for sitting areas, walks, and buffers between development. In the stream valleys, the open spaces are used for mitigation of environmental impacts, recreation, buffering of environmentally sensitive areas, and forest preservation.

#### Stream Buffers

Stream buffers per the Environmental Guidelines have been protected, with the exception of unavoidable minor intrusions to tie out grades from a few of the houses and on the park-school site. These intrusions have been minimized and mitigation for the impacts is required. None of the impacted stream buffer areas are currently forested, but all will be reforested.

## Stormwater Management

Stormwater management is provided by several on-site water quantity and quality facilities which have been required as part of the review and approval of the SPA Water Quality Plan. Water quality control will be provided by an extensive series of Best Management Practices (BMP's) including; sand filters, bioretention, clean water recharge; and grass swales. These facilities are linked together with the quantity control facilities that consist of two dry ponds. A portion of Phase II also drains to the wet pond that was approved in the Phase I site plan. The linked stormwater management facilities provide extraordinary and redundant stormwater management controls.

## Noise

Significant noise impact affecting exposed rear yards of houses along A-305 have been mitigated to the extent feasible by noise fencing. Interior noise levels within all of the units along this roadway will be addressed by appropriate building design and construction.

### c. Landscaping and Lighting

Landscape design for the project includes regularly space street trees, foundation planting , open area buffer planting and alley planting. The landscaping on the site creates attractive street to encourage walking and it creates an attractive setting for the units. The public open spaces (play and sitting areas, the central open space) are developed with extensive landscaped areas and each garden has a design theme to enhance its character.

Lighting for the plan includes a new light fixture – the Hagerstown fixture- has been approved on a pilot basis in other section of Clarksburg. The light fixture is consistent with use in residential area and darks sky concerns. Staff supports the applicant's desire to gain approvals from DPS to use this fixture throughout the project. The alleys will include individual light fixtures on each garage to maintain low levels of light.

### d. Recreation

Recreation demand is satisfied as shown in the recreation calculations table above.

### e. Vehicular and Pedestrian Circulation

The street connections to the site are in accordance with the approved Preliminary Plan, and the layout provides a grid for an interconnected vehicular system.

Pedestrian paths and sidewalks follow the street system and create a similarly efficient vehicular system. The adjacent and integral park system includes a bike system that creates bike connections alongside the Greenway Trail and connects to Little Bennett Park. Bikepaths are on the Clarksburg Town Center side of Piedmont Road and Clarksburg Road and provide a seamless system of bike transport for commuting and recreation.

4. *Each structure and use is compatible with other uses and other Site Plans and with existing and proposed adjacent development.*

The buildings are compatible to each other in their orientation to the street and similar massing and patterns. The housing proposed is similar to other housing projects in the area – it was the first project to receive approvals and begin construction and has set the tone for the area.

Buffers have been provided along road frontages, behind visible building rear yards as required.

The activity associated with the proposed residential and recreations uses will not cause any negative effect on surrounding residential and agricultural land uses.

5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation.*

Forest Conservation requirements for this phase of the development include preservation of existing forest within and adjacent to the greenway, and reforestation of the unforested stream buffer areas on the entire site. The forest conservation areas will be protected either by park dedication or Category I conservation easement. In addition to the reforestation required by the law, reforestation is required to mitigate for encroachments into the stream buffers with grading as mentioned above. This reforestation will be provided at a rate of two times the areas of encroachment.

## APPENDIX

- A. Standard conditions dated October 10, 1995
- B. MCPS Letter 5/2/02
- C. EPD Memo 5/2/02
- D. MCDPS Memo 5-02-02
- E. Waiver request 5/2/02
- F. Parks Memo 5/0202

## **APPENDIX A: STANDARD CONDITIONS OF APPROVAL DATED 10-10-95:**

1. Submit a Site Plan Enforcement Agreement, Development Review Program and Homeowner Association Documents for review and approval prior to approval of the signature set as follows:
  - a. Development Program to include a phasing schedule as follows:
    - 1) Streets tree planting must progress as street construction is completed, but no later than six months after completion of the units adjacent to those streets.
    - 2) Community-wide pedestrian pathways and recreation facilities must be completed prior to seventy percent occupancy of each phase of the development.
    - 3) Landscaping associated with each parking lot and building shall be completed as construction of each facility is completed.
    - 4) Pedestrian pathways and seating areas associated with each facility shall be completed as construction of each facility is completed.
    - 5) Clearing and grading to correspond to the construction phasing, to minimize soil erosion.
    - 6) Coordination of each section of the development and roads.
    - 7) Phasing of dedications, stormwater management, sediment/erosion control, recreation, forestation, community paths, trip mitigation or other features.
  - b. Site Plan Enforcement Agreement to reference applicable road construction phasing and park/school agreements.
2. Signature set of site, landscape/lighting, forest conservation and sediment and erosion control plans to include for staff review prior to approval by Montgomery County Department of Permitting Services (DPS):
  - a. Undisturbed stream buffers at least 150 to 240 feet wide as shown on the site plan.
  - b. Limits of disturbance.
  - c. Methods and locations of tree protection.
  - d. Forest Conservation areas.
  - e. Location of stormwater facility and storm drain outfalls away from forest preservation or other environmentally sensitive areas.
  - f. Conditions of DPS Final Water Quality and Stormwater Management Concept approval letter.

- g. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading.
- h. The development program inspection schedule.
- i. Category I conservation easement and park dedication boundary.
- j. Streets trees as shown all public streets.
- k. Centralized, screened trash areas for all multi-family and one-family attached units except townhouses.
- l. Details for and location of noise fencing to attenuate current noise levels to no more than 60 dBA Ldn for the outdoor back yard area of homes with side yards facing A-305.

- 3. Forest Conservation Plan shall satisfy all conditions of approval prior to recording of plat and DPS issuance of sediment and erosion control permit.

- [ 4. No clearing or grading prior to M-NCPPC approval of signature set of plans,

*Cathy Carlon has signed off on grading prior to sig. set.*

*\* Talk to Winn*

*except for rough grading as approved by Staff*

*ok per Winn*





850 Hungerford Drive • Rockville, Maryland • 20850-1747  
Telephone (301) 279-3425

May 2, 2002

Mr. Arthur Holmes Jr., Chairman  
Montgomery County Planning Board  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Dear Mr. Holmes:

Re: Clarksburg Town Center – Site Plan 8-02014 Phase 2

This is to comment on the referenced site plan as it concerns the future elementary school that is to be dedicated to the Board of Education.

We appreciate the recent efforts of M-NCPPC staff and the developer to address our concerns of storm water management, forestation and grading. The developer has agreed to enlarge the storm water management facility to serve the school and configure the property lines to separate it from the future school site. Forestation areas are to be provided off site by the developer. The developer has also agreed, and M-NCPPC concurred, that grading near the existing pond will be modified to provide more buildable area on the school site.

However, we are still concerned about the extensive grading that will be required to make the site a buildable one. Our concerns focus on two grading areas, the adjacent ballfields and the school site itself.

Adjacent ballfields

Current plans call for the construction of two ballfields that will be dedicated to the M-NCPPC. Plans call for a ten-foot grade difference between these fields and the school property, necessitating the construction of a retaining wall. Montgomery County Public Schools requests that as a condition of the site plan approval, the applicant be required to re-configure the ballfields, locating them further from the school property line, or if this is not feasible, construct an adequate retaining wall to accommodate the difference in grade.

*See  
Condition  
3(c)*

Grading of school site

In developing Terrabrook, the final grades are such that in order to build the school, including the playgrounds, driveways and parking areas, approximately 20 –23 feet of fill dirt will be required across the bulk of the property. This is an unacceptable additional expense and constitutes a condition of excessive grading. In fact, the Montgomery County Council has in the past directed the Board of Education to ensure that any proposed dedicated school sites are usable and will not require major expense to develop. Since

---

Department of Facilities Management  
7381 Calhoun Place – Suite 400  
Rockville, Maryland 20855

the applicant was not required to complete a final grading study until site plan, this condition was not known at preliminary plan.

As stated in the Montgomery County Code, Section 50-30 (d and e):

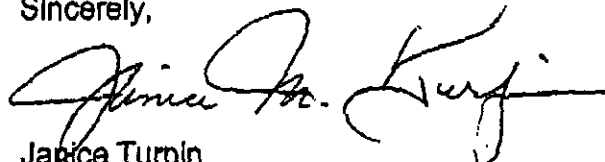
*"Unless the applicant agrees to pay for additional site preparation costs, a site may be refused as unsuitable because of natural features if site preparation work for the intended public use will require significant excavation of rock, excessive grading or the grading steep slopes, remedial environmental measures or similar work."*

*"... if the Board finds that the same can be lessened by a rearrangement of lots and streets or other platting devices, the board may require that the subdivision be so rearranged ..."*

MCPS requests that as a condition of site plan approval, the applicant provide adequate engineered fill for the building and rough grade the remainder of the school site to allow school construction at reasonable cost. Alternatively, if this cannot be done, MCPS will consider another site within the subdivision.

Thank you again for your cooperation and assistance. If you need additional information, please contact me at 301-279-3131 or Mary Pat Wilson, site administration specialist at 301-279-3009.

Sincerely,



Janice Turpin  
Real Estate Management Team Leader  
Department of Facilities Management

JMT:mpw

Copy to:

Mr. Hawes

Mr. Burke

Mr. Shpur

Mr. Davis

Ms. Witthans

Ms. Schmeleler



May 2, 2002

## MEMORANDUM

TO: Wynn Witthans  
Development Review Division

FROM: Cathy Conlon *CAC*  
Countywide Planning Division-Environmental Planning

SUBJECT: Clarksburg Town Center, Phase II – Site Plan No. 8-02014

---

**Recommendation**

Environmental Planning staff have reviewed the above-referenced plan and required Water Quality Plan. We recommend approval of the Water Quality Plan with the conditions of the MCDPS memo, and approval of the site plan with the following conditions:

1. Development Program to include a phasing schedule as follows:
  - a. Clearing and grading to correspond to the construction phasing, to minimize soil erosion.
  - b. Phasing of dedications, stormwater management, sediment/erosion control, recreation, forestation, community paths, trip mitigation or other features.
  - c. Phasing of site clearing and grading to minimize soil erosion.
  - d. Phasing of stormwater management and forest planting.
2. Signature set of site, landscape/lighting, forest conservation and sediment and erosion control plans to include for staff review prior to approval by Montgomery County Department of Permitting Services (DPS):
  - a. Undisturbed stream buffers at least 150 to 240 feet wide as shown on the site plan.
  - b. Limits of disturbance.
  - c. Methods and locations of tree protection.
  - d. Forest Conservation areas.

- e. Location of stormwater facility and storm drain outfalls away from forest preservation or other environmentally sensitive areas.
  - f. Conditions of DPS Final Water Quality and Stormwater Management Concept approval letter.
  - g. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading.
  - h. The development program inspection schedule.
  - i. Category I conservation easement and park dedication boundary.
  - j. Streets trees as shown all public streets.
  - k. Details for and location of noise fencing to attenuate current noise levels to no more than 60 dBA Ldn for the outdoor back yard area of homes with side yards facing A-305.
3. Forest Conservation Plan shall satisfy all conditions of approval prior to recording of plat and DPS issuance of sediment and erosion control permit.
4. No clearing or grading prior to M-NCPPC approval of signature set of plans.
- 7a 5. Record plats to reflect delineation of a Category I Conservation easement which includes the stream/wetland buffers and forest conservation areas, as shown on the site plan, that are not part of the park dedication area.
- 7b 6. Final erosion and sediment control plans shall be submitted to Environmental Planning staff for review and comment prior to approval by MCDPS.
- 7c 7. The Final Forest Conservation Plan must be approved and bonded prior to issuance of the sediment and erosion control permit.
- 7d 8. The outfall from Pond #3, and any other stormwater management facility or storm drain outfalls which extend into the environmental buffer, shall be field located by applicant's representative, MCDPS, and MNCPPC Environmental Planning staff prior to approval of the stormwater management/sediment control permits by MCDPS.
- 7e 9. MNCPPC Environmental Planning staff shall review and approve detailed design plans for any wetland mitigation sites within the environmental buffers prior to issuance of sediment control permits or authorization to clear and grade any of these facilities.

10. Environmental Planning staff must review and approve final grading and limits of disturbance for the park-school site. If grading encroachment into stream buffers is approved as part of this review, compensation with reforestation planting at a rate of 2:1 will be required. This is in addition to other forest conservation planting requirements.

## **Site Conditions**

The subject property consists of a portion of the town center site which is located at the headwaters of one of the main branches of Little Seneca Creek, a Use Class IV-P stream. A large part of the site is existing agricultural field. Approximately 9 acres of wetland, 15 acres of floodplain, and 54 acres of forest exist within or in proximity to the stream valleys. The portion of the site covered by this site plan contains two tributary streams. On-site topography slopes significantly from the high point of this section of the plan down to the stream valleys. The stream valleys are moderately steep.

## **Discussion of Environmental Findings**

### Special Protection Area Guidelines

The Board has adopted guidelines for Park and Planning Department review of projects within SPA's. These guidelines focus on expanding wetland buffers, expanding and accelerating forest conservation opportunities, and limiting site imperviousness levels. They have been addressed by the site plan in the following manner:

**BUFFERS** – Stream buffers per the Environmental Guidelines and priority forest conservation areas have been protected with the exception of unavoidable intrusions to tie out grading from a few lots and on the park-school site. The intrusions occur in unforested areas and have been minimized. Mitigation for the impacts will be provided by 2:1 reforestation.

**FORESTATION** – All unforested stream buffers will be reforested using larger stock to minimize the time to canopy closure. A 5-year maintenance program is required to better ensure survival of the planting.

**IMPERVIOUSNESS** – Imperviousness within the town center far exceeds the level which is desirable in the headwaters of a sensitive watershed such as Little Seneca Creek. Maximum effort has been made to reduce the amount of imperviousness given the proposed development pattern. Hope for reducing the impact of the excessive impervious surfaces lies in providing extraordinary stormwater management facilities and BMP's for all runoff from these surfaces.

## Water Quality Plan

The Final Water Quality Plan for the town center addresses the Performance goals established during pre-application review, outlines the strategies that will be employed to meet these goals, and includes a detailed plan for water quality monitoring of the streams before, during and after construction. The performance goals include: protection and enhancement of stream channels and associated aquatic habitat; minimization of stormflow runoff increases; minimization of increases to ambient temperature and sediment loading within streams; maintenance of stream base flow; and protection of springs, seeps and wetlands. The strategies employed to meet these goals include: retention and replanting of forest in stream valleys; stringent and redundant sediment control measures; linked stormwater management quantity and quality facilities which provide redundant controls; and BMPs including sand filters, bioretention, clean water recharge, and cool water infiltration and recharge.

Staff concurs with MCDPS that the proposed Final Water Quality Plan meets the SPA requirements for development and grading within the site and for portions of the perimeter arterial roads. We recommend conditional approval of the plan.

## Adequacy of Stream Buffers

Stream buffers per the Environmental Guidelines have been protected, with the exception of unavoidable minor intrusions to tie out grades from a few of the houses and on the park-school site. These intrusions have been minimized and mitigation for the impacts is required. None of the impacted stream buffer areas are currently forested, but all will be reforested.

## Adequacy of Stormwater Management

Stormwater management is provided by several on-site water quantity and quality facilities which have been required as part of the review and approval of the SPA Water Quality Plan. Water quality control will be provided by an extensive series of Best Management Practices (BMP's) including; sand filters, bioretention, clean water recharge; and grass swales. These facilities are linked together with the quantity control facilities which consist of two dry ponds. A portion of Phase II also drains to the wet pond that was approved in the Phase I site plan. The linked stormwater management facilities provide extraordinary and redundant stormwater management controls.

## Noise Mitigation

Significant noise impact affecting exposed rear yards of houses along A-305 have been mitigated to the extent feasible by noise fencing. Interior noise

levels within all of the units along this roadway will be addressed by appropriate building design and construction.

### Forest Conservation

The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation. Requirements for this phase of the development include preservation of existing forest within and adjacent to the greenway, and reforestation of the unforested stream buffer areas on the entire site. The forest conservation areas will be protected either by park dedication or Category I conservation easement. In addition to the reforestation required by the law, reforestation is required to mitigate for encroachments into the stream buffers with grading as mentioned above. This reforestation will be provided at a rate of two times the areas of encroachment.

### Conformance to the Clarksburg Master Plan

The master plan objectives for development within the Little Seneca Creek watershed include continuously forested buffers, protection and enhancement of wetland systems, water quality monitoring, environmentally sensitive design and construction of development and infrastructure, and maintenance of the environmental qualities of headwaters. The site plan attempts to address these by providing enhanced reforestation in stream valleys and complying with the rigorous stormwater management and water quality standards of the SPA.





## DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan  
County Executive

Robert C. Hubbard  
Director

## MEMORANDUM

May 2, 2002

TO: Wynn Witthans  
Development Review Division - MNCPPC

FROM: Sarah R. Navid *S. Navid*  
Right-of-Way Permitting and Plan Review Section

SUBJECT: Site Plan Review #8-8-02014 - Clarksburg Town Center Phase II

We have reviewed the subject site plan and have the following comments:

- Clarksburg Road - the applicant will be responsible for the roadway improvements for one half of the 80' arterial right-of-way from Overlook Park Drive to A-305 (Piedmont Road) in those sections adjacent to the site plan limits. The road will be designed per Standard No. MC-213.04, which includes a 12' wide travel lane, a 12' wide shoulder (4' paved), a ditch, street trees and a bike path along the south side of the road. The bike path will need to be located outside the right-of-way. We will work with MNCPPC and DPWT on the final design details of a possible variable alignment for the bike path along the park and school property. Additionally, left turn lanes (150' minimum length) will be required westbound at Overlook Park Drive and eastbound at A-305. These two intersections will be closed section where the additional lanes are added.
- Piedmont Road (A-305) - the applicant will be responsible for the full roadway improvements within the 80' arterial right-of-way from Clarksburg Road to Stringtown Road per Standard No. MC-213.04. Modifications for auxiliary lanes as needed at the intersections will be indicated by DPS at permit review. The bikepath adjacent to the site will need to be located in a PIE. No sidewalk is required on the east side of Piedmont Road.



Page 2 - Wynn Witthans - Clarksburg Town Center Phase II - May 2, 2002

- Block N - the street block adjacent to Lots 39-42 must be private since its only egress is via an alley on the north. We recommend that a waiver be granted to allow single - family houses on a private street. The loop road around the central square should be shown as one-way counterclockwise. A horizontal curvature waiver is needed for the curve on the southwest corner of the square.
- Block M - the loop road around the square will need a horizontal curvature waiver. However, the radius on the curve on the east corner still needs to be increased. The loop road around the square should be shown to operate one-way counterclockwise.
- Grapevine Ridge Road will operate one-way northbound; this should be shown on the plan. The chokers at either end of Grapevine Ridge Road south of Clarksburg Square Road should be eliminated.
- Curb ramps at intersections must meet MCDPWT and ADA dimensions; this may require some additional right-of-way (truncation) at some intersections. The attached drawing shows that where truncations are not provided on tertiary streets, the required space to install the six foot long ramp, a five foot level sidewalk area and one foot of clearance to the property line is not available.

We appreciate the opportunity to comment on this plan.

srn\clarksburgphase2.doc

cc: Tracy Graves  
Les Powell  
Greg Leck



Item # 2  
MCPB  
2-10-04

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
Office of the Chairman, Montgomery County Planning Board

## MEMORANDUM

DATE: February 2, 2005  
TO: Montgomery County Planning Board  
VIA: Rose Krasnow, Chief *RK*  
Michael Ma, Supervisor  
Development Review Division  
FROM: Wynn E. Witthans *WW*  
Development Review Division  
(301) 495-4584



REVIEW TYPE: Site Plan Review  
CASE #: 8-98001G and 8-02014B  
PROJECT NAME: Clarksburg Town Center Phases I and II, Manor Homes  
APPLYING FOR: Approval of 58 multifamily dwelling units inclusive of 10 MPDU's  
REVIEW BASIS: Div. 59-D-3 of Montgomery County Zoning Ordinance  
  
ZONE: RMX-2  
LOCATION: In the vicinity of Clarksburg Square Road north of the Greenway Park and adjacent to Overlook Park Drive and Clarksburg Road south of the Greenway Park  
  
MASTER PLAN: Master Plan  
APPLICANT: Buzzuto Homes  
FILING DATE: September 8, 2004  
HEARING DATE: February 10, 2005

**STAFF RECOMMENDATION:** Approval of 58 multifamily dwelling units inclusive of 10 MPDUs, with the following conditions:

1. Conformance to earlier conditions  
All prior approvals, including the conditions of approval, unless expressly modified in through this amendment, shall remaining full force and effect. The Development Program and Site Plan Enforcement Agreements shall be revised to include this amendment.
2. Lighting
  - a. Provide a lighting distribution and photometric plan with summary report and tabulations to conform to IESNA standards for residential/commercial development.

- b. All light fixtures shall be full cut-off fixtures.
- c. Deflectors shall be installed on all fixtures causing potential glare or excess illumination, especially on the perimeter fixtures abutting the adjacent residential properties.
- d. Illumination levels shall not exceed 0.5 footcandles (fc) at any property line abutting county roads or adjacent residential properties.

3. Forest Conservation

The applicant shall comply with the earlier conditions of approval from M-NCPPC-Environmental Planning in the memorandum.

4. Stormwater Management

The proposed development conforms to the earlier approvals for the Stormwater Management Concept approval and the Final Water Quality Approvals for Site Plans 8-98001G and 8-02014B.

## **SITE PLAN REVIEW ISSUES**

### **I. Plan Review Comments**

Staff has commented on the Manor Home applications to improve pedestrian circulation, foundation landscaping and screening adjacent to each unit.

#### Applicant's Proposal

The applicant has amended the plans to satisfy staff comments.

#### Community Position

Staff has received no direct comments from citizens regarding this proposal. The applicant has met with the citizens and they report the citizens were interested in architectural finishes and extra off street parking for the building in Phase I.

#### Staff Analysis/Position

The applicant has amended the plans to conform to staff comments regarding landscaping and screening and lighting. Staff has not received any revisions regarding parking amendments to date. The Planning Board does not typically review architectural finishes; again staff has not received any amendments to review.

### **II. Citizen concerns about Building Height for other buildings in Phase I and II.**

Some of the new residents of Clarksburg Town Center have expressed concerns about the height of the four-story Bozzuto multifamily buildings (one built and occupied and one unbuilt) and the Craftstar four-story multifamily buildings (2 over 2) (unbuilt). These buildings, however, are not included within the scope of this application. The residents believe the height of those specific buildings, as designed and constructed (as applicable), do not comply with prior approvals and have requested that the Board take certain action pursuant to its authority under the Zoning Ordinance. Staff will soon schedule an item before the Board, pursuant to Zoning Ordinance Section 59-D-3.6 (Failure to comply), in order to obtain a Planning Board determination on the question of compliance.

Staff anticipates no testimony on the building height issue with this Manor Home amendment.

**PROJECT DESCRIPTION:** Site Vicinity

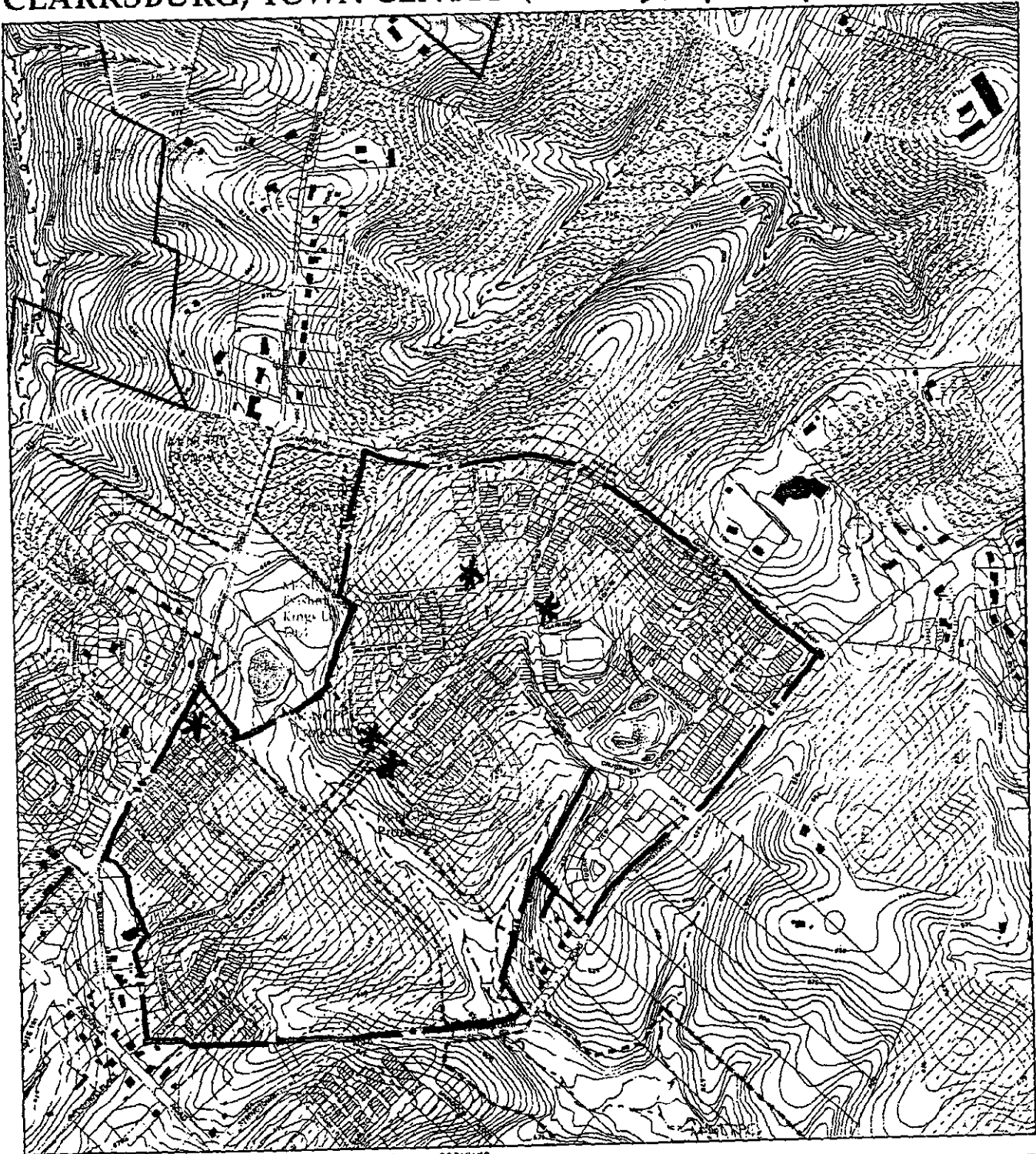
The proposed lots are within Clarksburg Town Center, a subdivision with a potential of 1,300 units as approved in Preliminary Plan # 1-95042. CTC is located east of MD Route 355 and south of Clarksburg Road, and east of the Clarksburg Road intersection with I-270. Clarksburg Road, Snowden Mill Parkway (A-305), Stringtown Road and the historic district that encompasses MD Route 355, just beyond the site to the east, define the boundaries of the site.

The headwaters of the Little Seneca Stream Valley create the basis of the open spaces preserved internally. The M-NCPPC Greenway Trail will bisect the project and will connect to Little Bennett Park to the north and to Clarksburg Village and M-NCPPC Ovid Hazen Wells Park further to the southeast.

**PROJECT DESCRIPTION:** Site Description

The proposed units are within the neo-traditional grid of Clarksburg Town Center and sites are either defined by the adjacent buildings, streets and rough graded lots or are not yet developed and are still in mass graded condition. The subject properties front the following streets: Catawba Hill Drive, Clarksburg Square Road, Clarksburg Square Road, and Clarksburg Road.

# CLARKSBURG, TOWN CENTER (8-02014) P 8-98001 G



Map compiled on October 07, 2004 at 10:16 AM | Site located on base sheet no - 233NW13

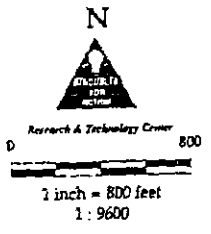
## NOTICE

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Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:144,000 scale aerial photography using stereo photogrammetric methods.

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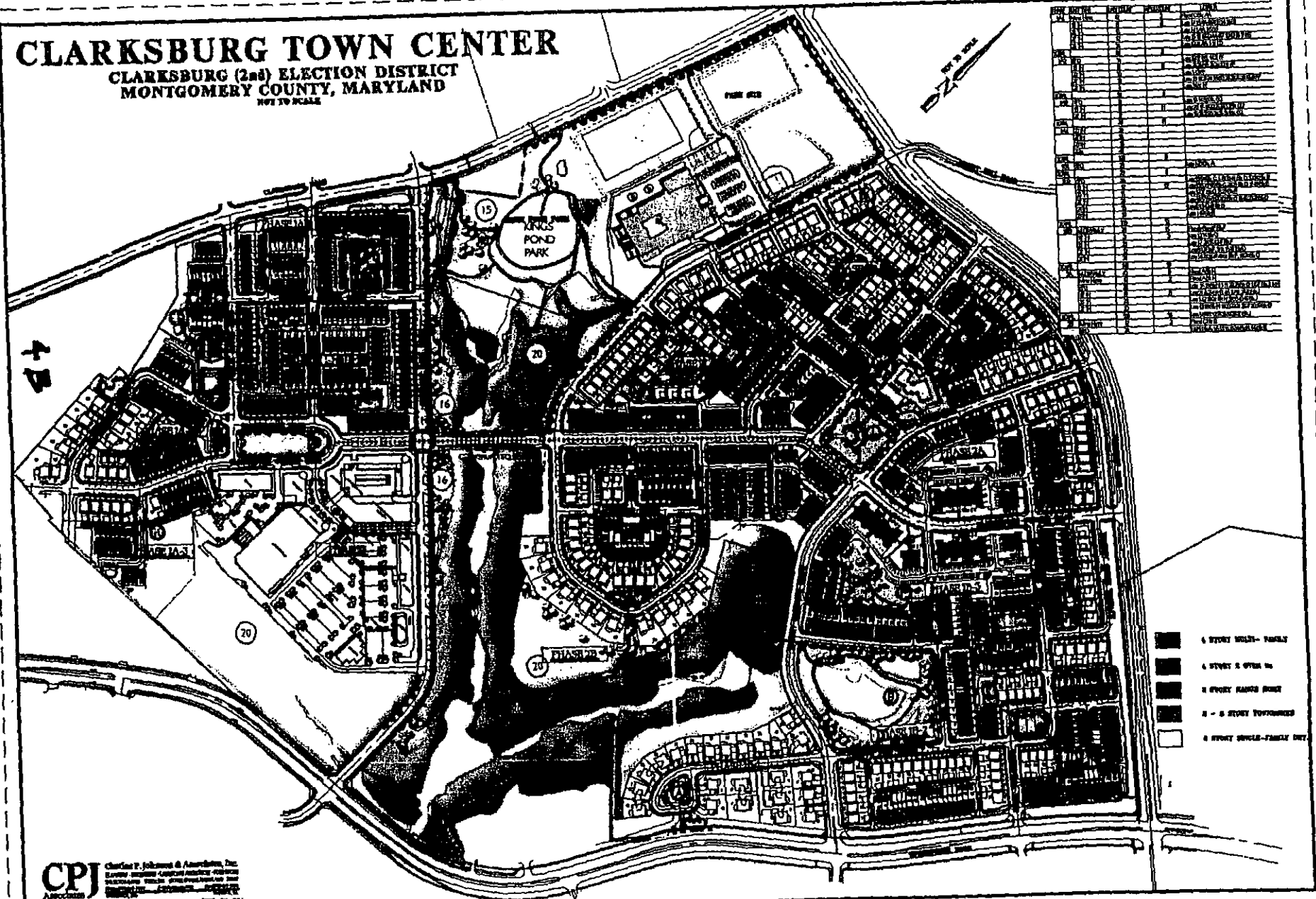
**MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING**  
 THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
 6787 Georgia Avenue - Silver Spring, Maryland 20910-3760



4 A

# CLARKSBURG TOWN CENTER

CLARKSBURG (2nd) ELECTION DISTRICT  
MONTGOMERY COUNTY, MARYLAND  
NOT TO SCALE





**PROJECT DESCRIPTION:**      Proposal

The proposal will enlarge the footprint and unit count of five multifamily buildings within Phase One and Two of Clarksburg Town Center subdivision. The units were originally approved as 9-unit, three story buildings in a "T" footprint. The amendment is to create two-11 unit buildings and three-12 unit buildings, all three stories in a square footprint of 5,260 s.f.

The building locations act as cornerstones to the blocks they edge, creating visible entrances or gateways to different parts of the neighborhood. The building locations are the same location they were placed in earlier approvals for Phase I and II site plans. At three stories, the buildings are at the same scale as the adjacent townhomes and single-family detached houses. Enclosed dumpsters with landscaping and wooden fences are provided adjacent to each manor home.

The units are designed to look like a single "manor home" and have one highly definable front door, one rear door, and a patio or balcony for several of the units. Depending on their location, they have parking either within the lower floor or immediately adjacent in internal block parking and adjacent street parking.

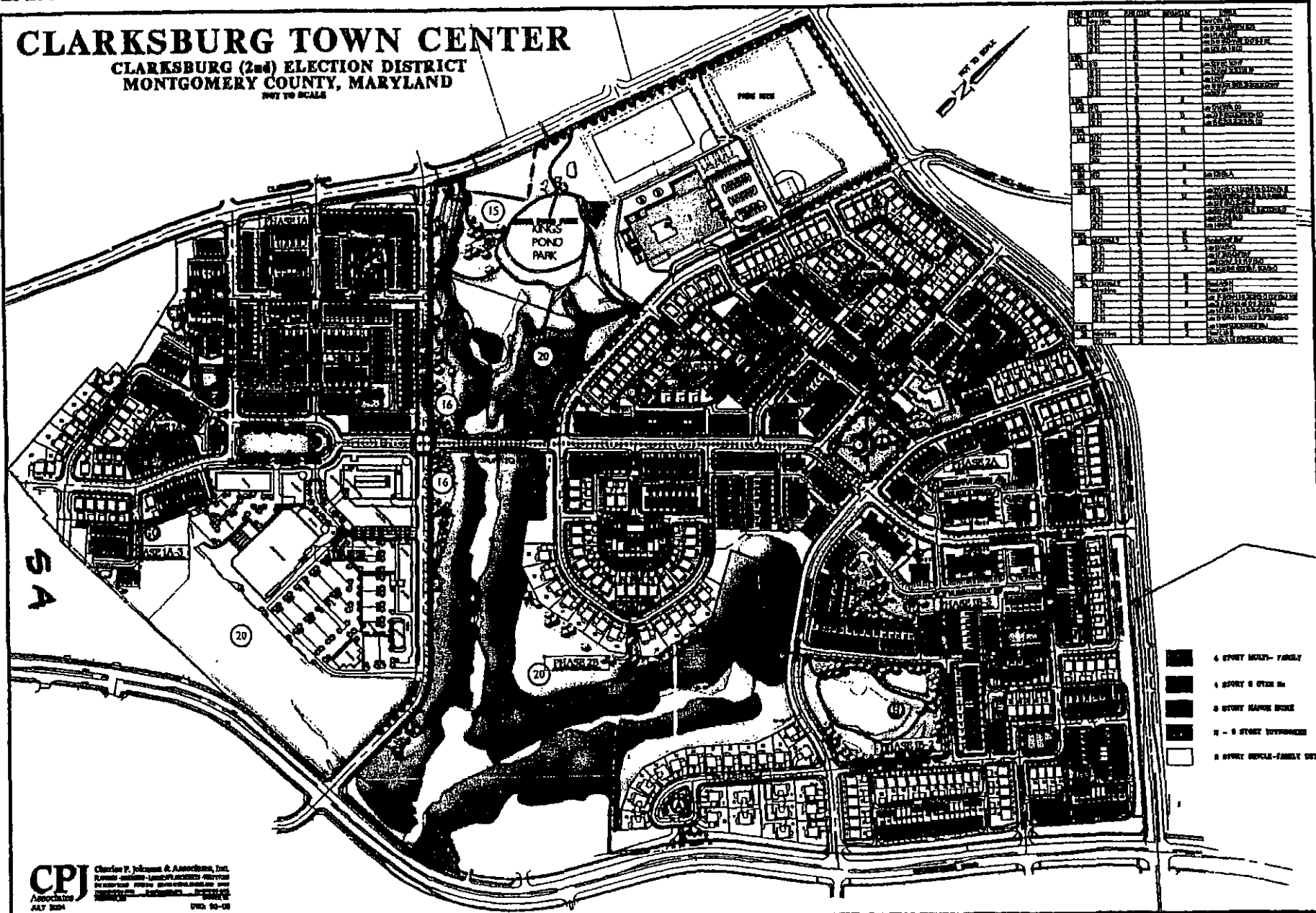
Landscaping provided for each unit includes wrap around foundation planting, flowering or evergreen trees and shade trees on site and in the adjacent right-of-way. Lighting for each building includes wall mounted lights over the parking areas and adjacent to the doors. The lighting fixtures include cut-off features. Streetlights are provided in the public streets, as provided for in the earlier site plan approvals.

Parking is provided within garages, behind the units in small parking lots or on the public streets. The attached exhibits show the parking for each building. Additionally, the Applicant has prepared a study of available on-street parking spaces in the vicinity of each Manor Home. It indicates adequate availability of on-street parking.

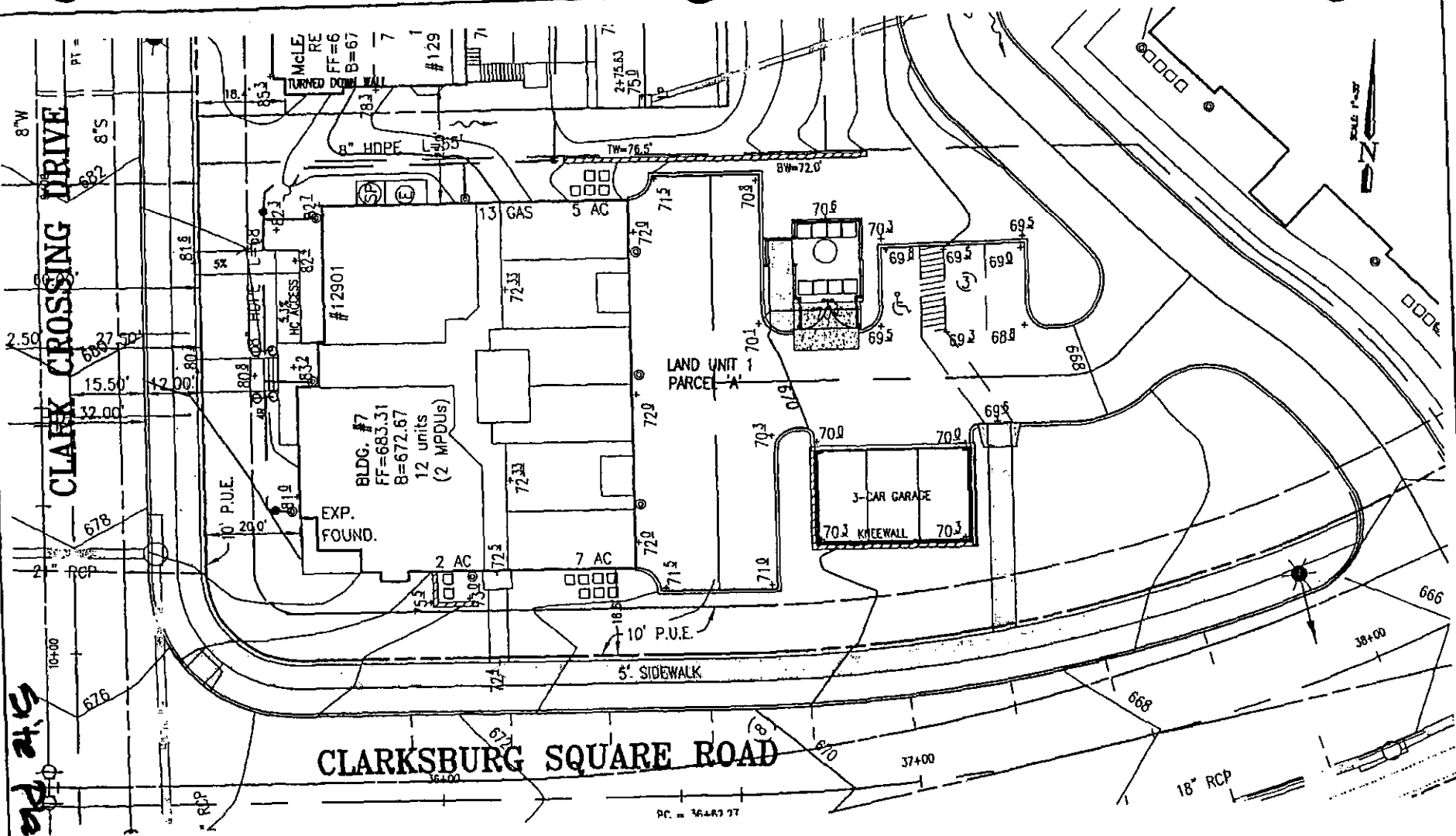
# CLARKSBURG TOWN CENTER

CLARKSBURG (2nd) ELECTION DISTRICT  
MONTGOMERY COUNTY, MARYLAND

NOT TO SCALE



Charles F. Johnson & Associates, Inc.  
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10020-1097  
Tel: 212-691-1000  
Fax: 212-691-1001  
E-mail: [info@cfj.com](mailto:info@cfj.com)



**MANOR HOUSE - BLDG. # 7**  
**CLARKSBURG TOWN CENTER**

CLARKSBURG (2nd) ELECTION DISTRICT  
 MONTGOMERY COUNTY, MARYLAND  
 SCALE: 1"=30' BY: msa DATE: AUG.04'

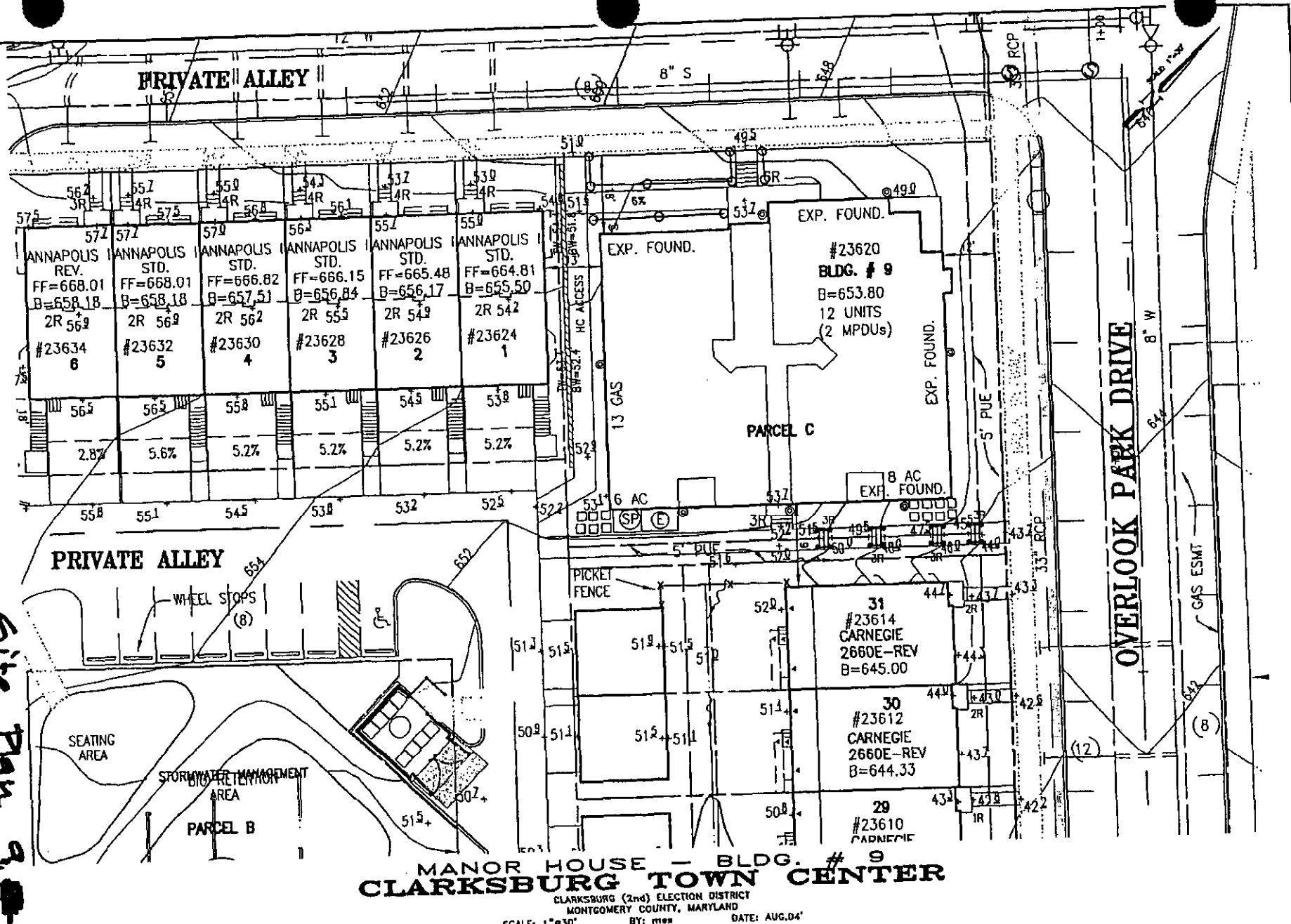


**Charles P. Johnson & Associates, Inc.**  
 PLANNERS - ENGINEERS - LANDSCAPE ARCHITECTS - SURVEYORS  
 1751 ELTON ROAD SUITE 300 SILVER SPRING, MARYLAND 20903  
 Phone: (301) 434-7000 E-mail: cpa@cpia.com Fax: (301) 434-9394  
 FREDERICK, MD FAIRFAX, VA

25



Site Plan 9









# CLARKSBURG SQUARE ROAD

Site Plan 10

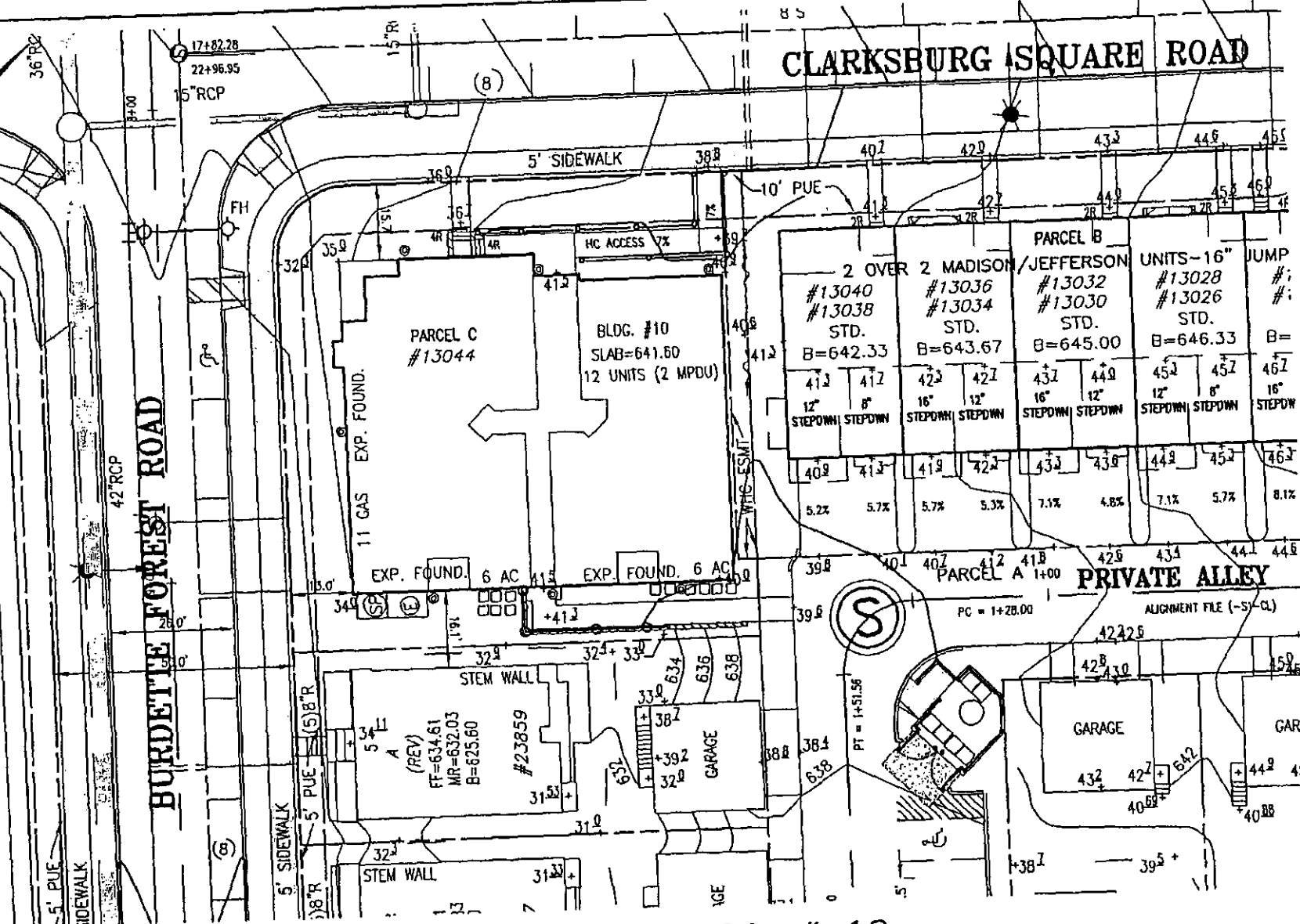
BURDETTE FOREST ROAD

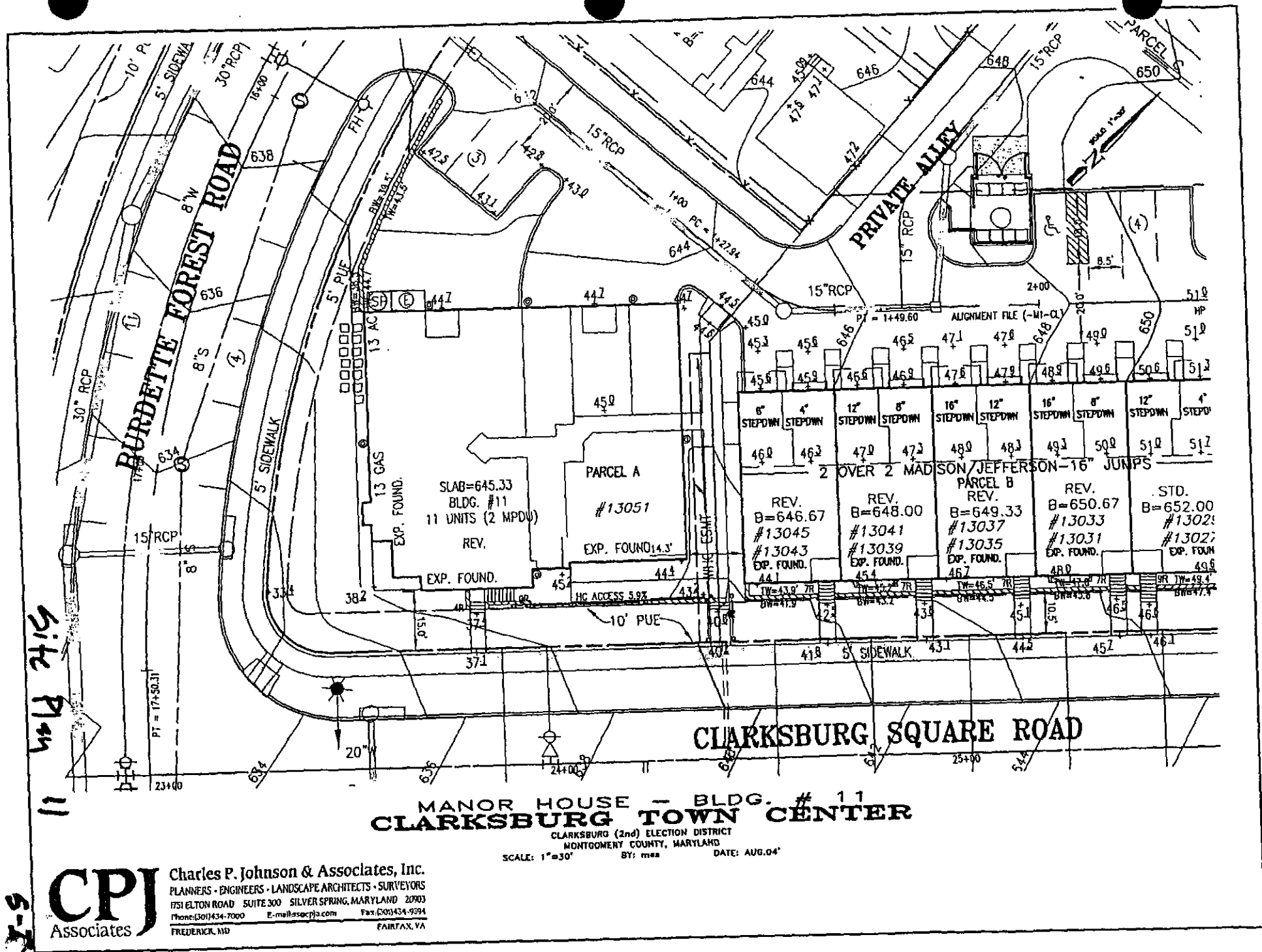
## MANOR HOUSE - BLDG. # 10 CLARKSBURG TOWN CENTER

CLARKSBURG (2nd) ELECTION DISTRICT  
MONTGOMERY COUNTY, MARYLAND  
SCALE: 1"=30' BY: msa DATE: AUG.04'

**CPI**  
Associates

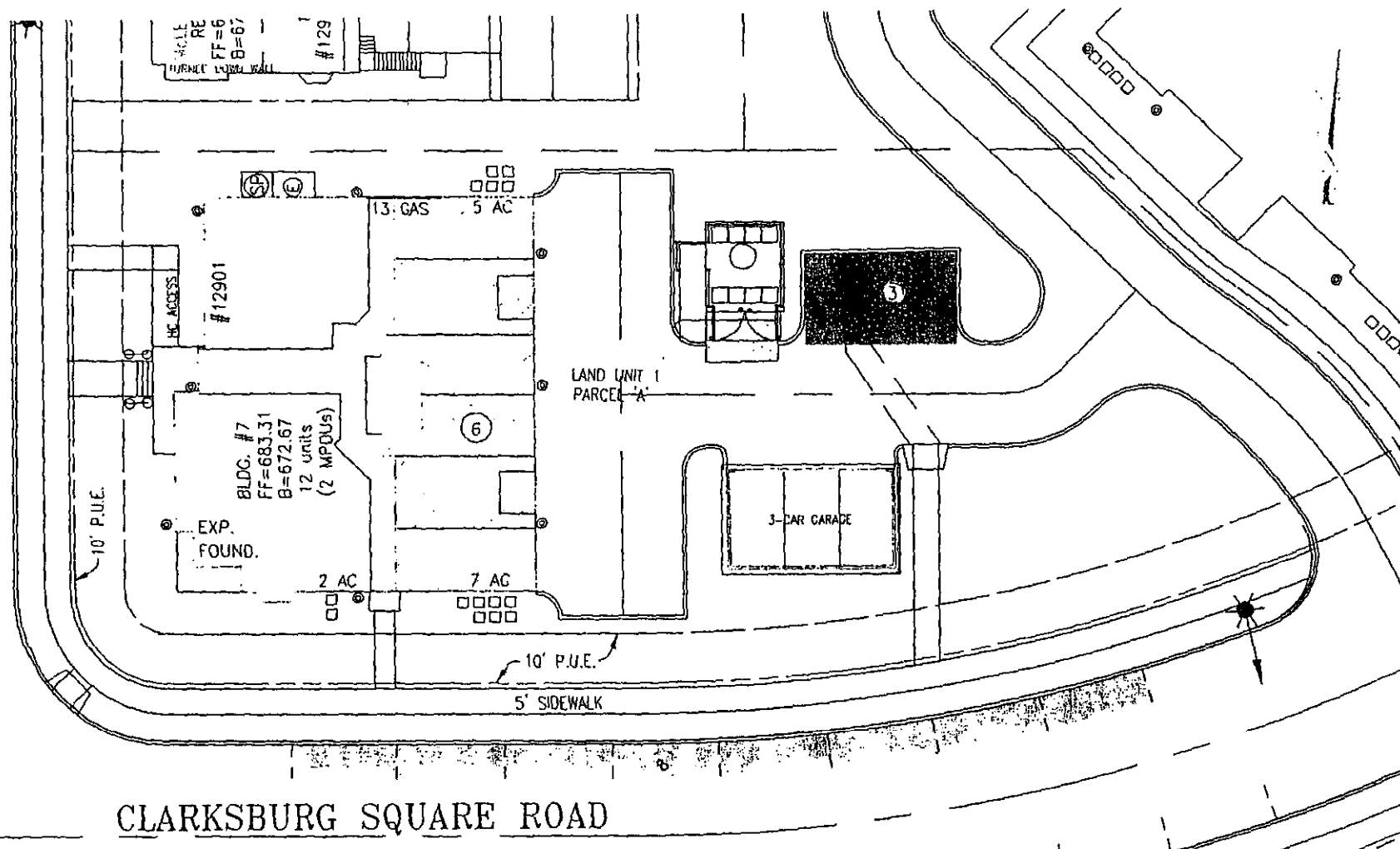
Charles P. Johnson & Associates, Inc.  
PLANNERS - ENGINEERS - LANDSCAPE ARCHITECTS - SURVEYORS  
1751 ELTON ROAD SUITE 300 SILVER SPRING, MARYLAND 20903  
Phone: (301) 434-7000 E-mail: cpa@cpi.com Fax: (301) 434-0394  
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



CLARK CROSSING DRIVE

Parking Plan 7



PARKING PLAN  
MANOR HOUSE - BLDG. # 7  
CLARKSBURY TOWN CENTER

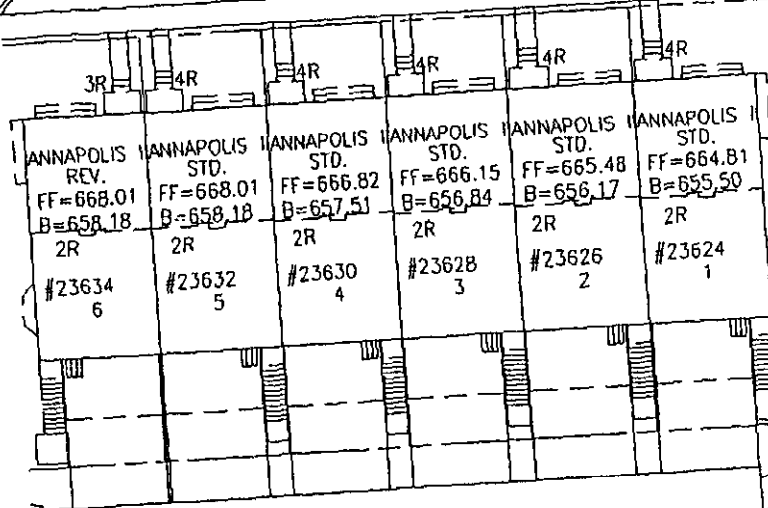
CLARKSBURG (2nd) ELECTION DISTRICT  
MONTGOMERY COUNTY, MARYLAND  
SCALE: 1"=30' BY: mee DATE: AUG.04'

-  INTEGRAL GARAGE
-  DETACHED GARAGE
-  OFF-STREET PARKING
-  ON-STREET PARKING

**CPJ**  
Associates

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Phone: (301) 434-7000 E-mail: cpj@cpja.com Fax: (301) 434-1094  
FREDERICK, MD FAIRFAX, VA

PRIVATE ALLEY



EXP. FOUND.

EXP. FOUND.

PARCEL C

13 GAS

6 AC

8 AC EXP. FOUND.

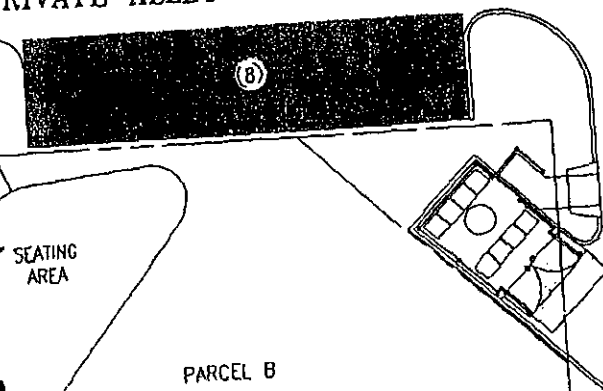
EXP. FOUND.

5' PUE  
5' BRICK SIDEWALK

OVERLOOK PARK DRIVE

GAS ESMT

PRIVATE ALLEY



PARCEL B

31  
#23614  
CARNEGIE  
2660E-REV  
B=645.00

30  
#23612  
CARNEGIE  
2660E-REV  
B=644.33

29  
#23610  
CARNEGIE

PARKING PLAN  
MANOR HOUSE - BLDG. # 9  
CLARKSBURG TOWN CENTER  
CLARKSBURG (2nd) ELECTION DISTRICT  
MONTGOMERY COUNTY, MARYLAND

SCALE: 1"=30'

BY: mms

DATE: AUG.04

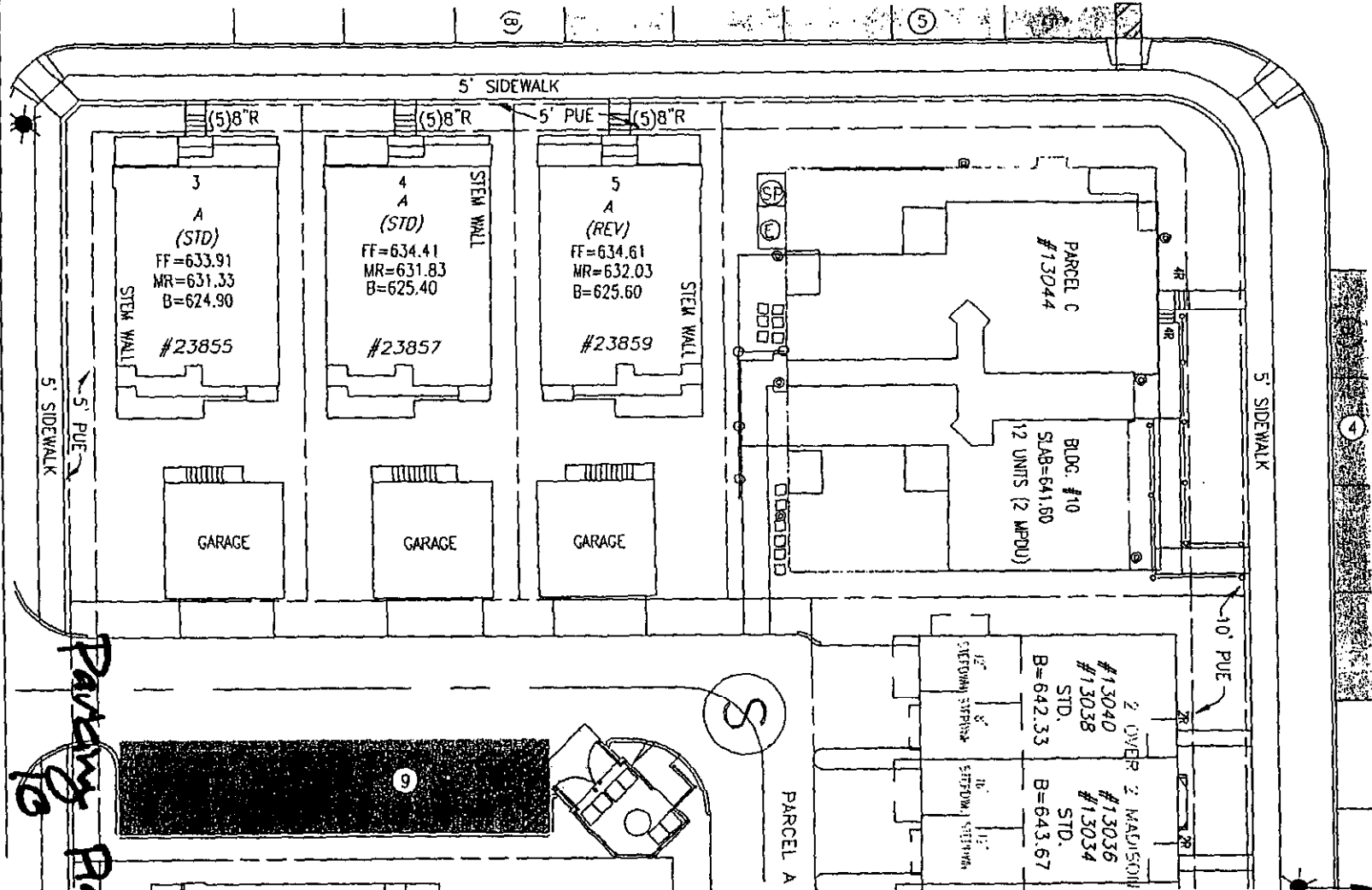
- OFF-STREET PARKING
- ON-STREET PARKING

**CPI**  
Associates

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Phone: (301) 434-7000 E-mail: cpj@cpja.com Fax: (301) 434-5094  
FREDERICK, MD TAYLOR, VA

BURDETTE FOREST ROAD



CLARKSBURG SQUARE ROAD



PARKING PLAN  
MANOR HOUSE - BLDG. #10  
CLARKSBURG TOWN CENTER

CLARKSBURG (2nd) ELECTION DISTRICT  
MONTGOMERY COUNTY, MARYLAND

SCALE: 1"=30' BY: mas DATE: AUG.04'

-  OFF-STREET PARKING
-  ON-STREET PARKING

**CPI**  
Associates

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PLANNERS • ENGINEERS • LANDSCAPE ARCHITECTS • SURVEYORS  
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Phone: 202-464-7000 E-mail: cpj@cpjassoc.com Fax: 202-464-9394  
FARMERSBURG, MD FARMERSBURG, VA




Parking Plan  
11  
SM

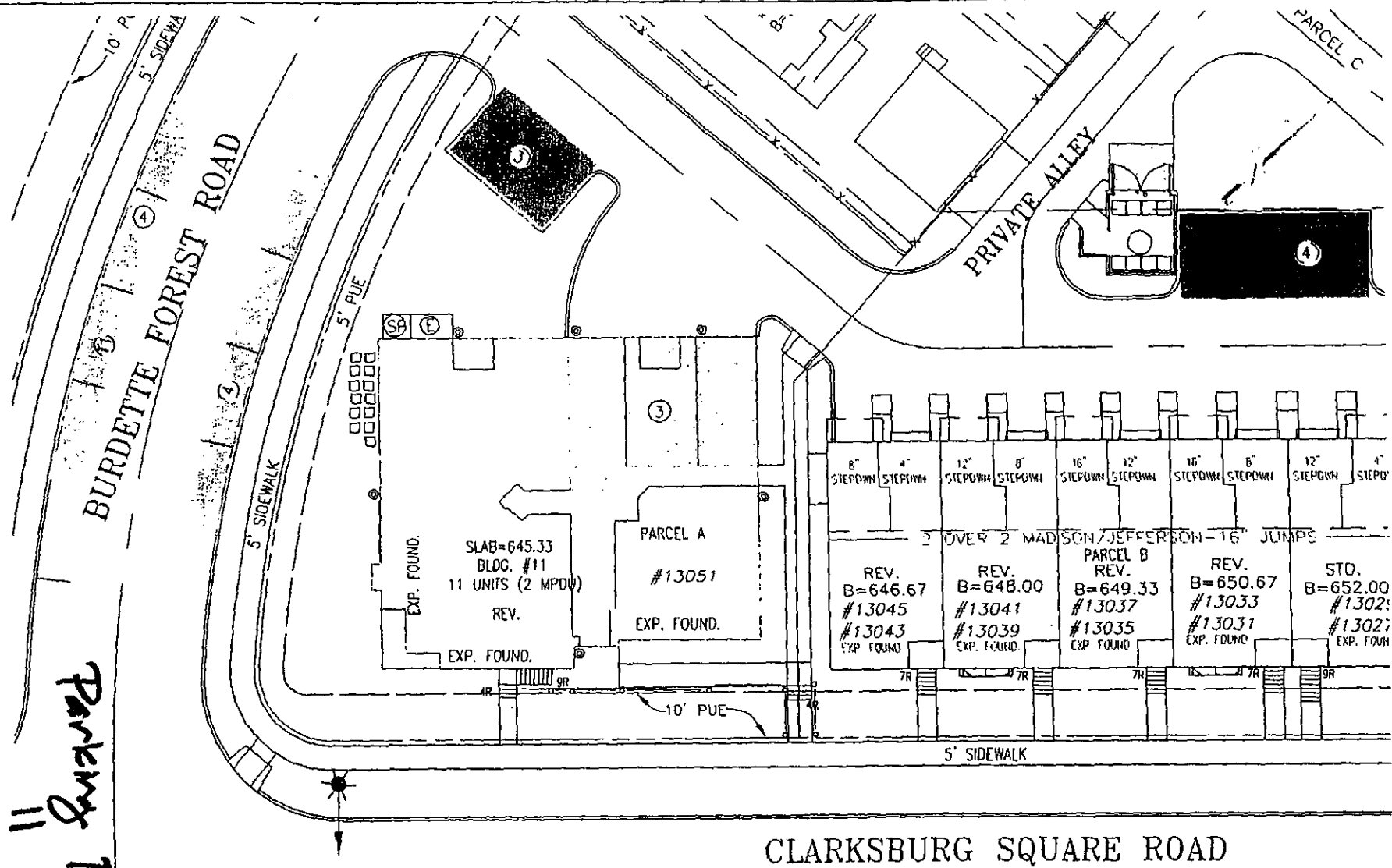
**CPJ**  
Associates

**Charles P. Johnson & Associates, Inc.**  
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1201 ELTON ROAD SUITE 300 SILVER SPRING, MARYLAND 20903  
Phone (301) 434-7000 E-mail cpj@cpja.com Fax (301) 434-9994  
FREDERICK, MD FAIRFAX, VA

# PARKING PLAN MANOR HOUSE - BLOC. # 11 CLARKSBURG TOWN CENTER

CLARKSBURG (2nd) ELECTION DISTRICT  
MONTGOMERY COUNTY, MARYLAND  
SCALE: 1"=30' BY: mcs DATE: AUG. 04'

-  INTEGRAL GARAGE
-  OFF-STREET PARKING
-  ON-STREET PARKING



SUGARLOAF CHAPEL DRIVE

CATAWBA HILL DRIVE

PRIVATE ALLEY

PARKING PLAN  
MANOR HOUSE - BLDG. # 12  
CLARKSBURG TOWN CENTER

CLARKSBURG (2nd) ELECTION DISTRICT  
MONTGOMERY COUNTY, MARYLAND

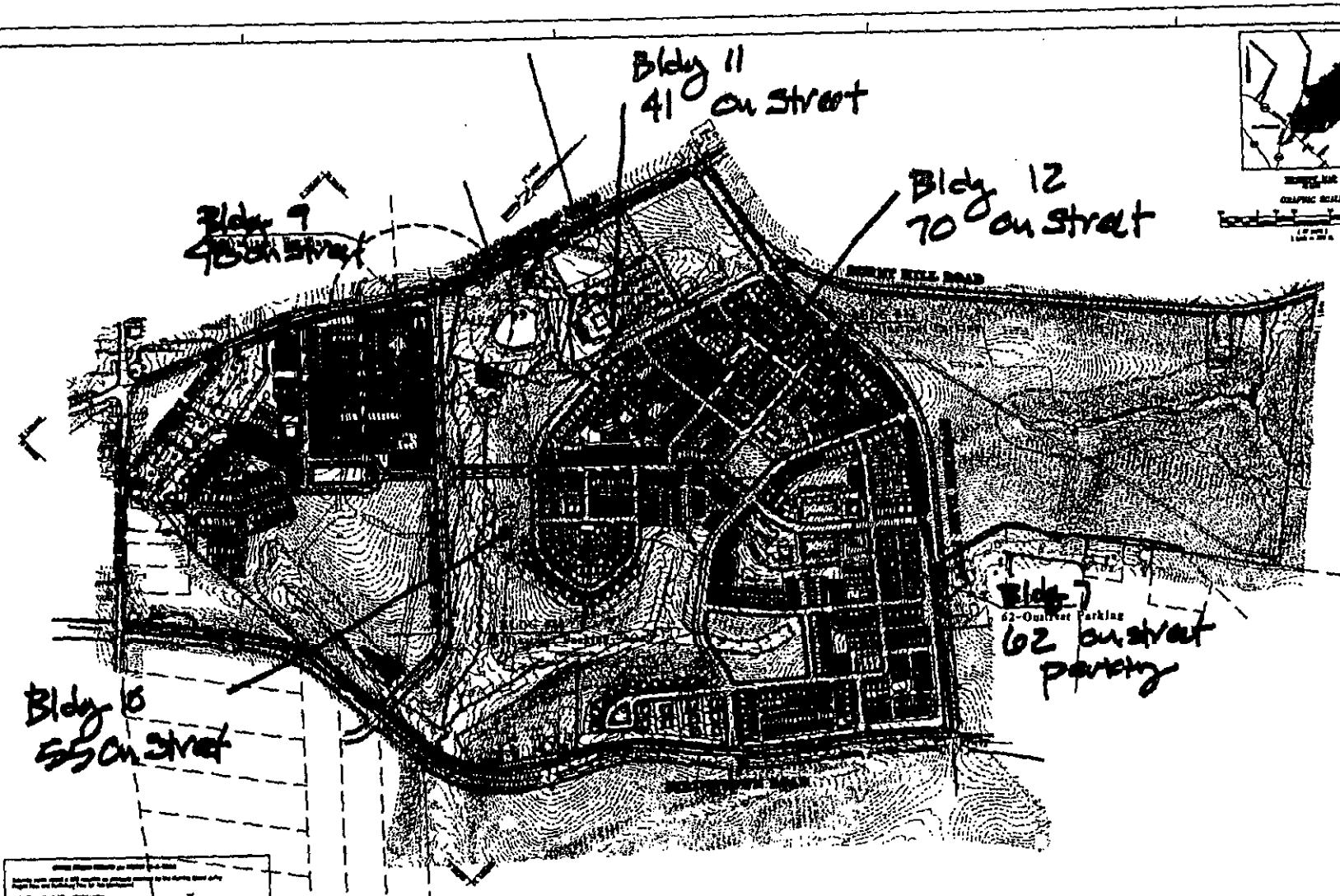
SCALE: 1"=30' BY: mjs DATE: AUG.04'

- ☐ INTEGRAL GARAGE
- ☐ DETACHED GARAGE
- ☐ DRIVEWAY PARKING
- ☐ ON-STREET PARKING

SN  
**CPI**  
Associates

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Phone: (301) 434-7000 E-mail: cpj@cpja.com Fax: (301) 434-5094  
FREDERICK, MD FAIRFAX, VA

*Parking Plan*  
12



Form 1041-100 (10-1-68)

Individuals

Income

Deductions

Credits

10-1-68

**BANK OF AMERICA**

**CHECKBOOK**

DATE \_\_\_\_\_ AMOUNT \_\_\_\_\_

**BANK OF AMERICA**

**1**

Category	Sub-category	Value	Unit
Total	1970-1971	100	100
	1972-1973	100	100
Total	1974-1975	100	100
	1976-1977	100	100
Total	1978-1979	100	100
	1980-1981	100	100
Total	1982-1983	100	100
	1984-1985	100	100
Total	1986-1987	100	100
	1988-1989	100	100
Total	1990-1991	100	100
	1992-1993	100	100
Total	1994-1995	100	100
	1996-1997	100	100
Total	1998-1999	100	100
	2000-2001	100	100
Total	2002-2003	100	100
	2004-2005	100	100
Total	2006-2007	100	100
	2008-2009	100	100
Total	2010-2011	100	100
	2012-2013	100	100
Total	2014-2015	100	100
	2016-2017	100	100
Total	2018-2019	100	100
	2020-2021	100	100
Total	2022-2023	100	100
	2024-2025	100	100
Total	2026-2027	100	100
	2028-2029	100	100
Total	2030-2031	100	100
	2032-2033	100	100
Total	2034-2035	100	100
	2036-2037	100	100
Total	2038-2039	100	100
	2040-2041	100	100
Total	2042-2043	100	100
	2044-2045	100	100
Total	2046-2047	100	100
	2048-2049	100	100
Total	2050-2051	100	100
	2052-2053	100	100
Total	2054-2055	100	100
	2056-2057	100	100
Total	2058-2059	100	100
	2060-2061	100	100
Total	2062-2063	100	100
	2064-2065	100	100
Total	2066-2067	100	100
	2068-2069	100	100
Total	2070-2071	100	100
	2072-2073	100	100
Total	2074-2075	100	100
	2076-2077	100	100
Total	2078-2079	100	100
	2080-2081	100	100
Total	2082-2083	100	100
	2084-2085	100	100
Total	2086-2087	100	100
	2088-2089	100	100
Total	2090-2091	100	100
	2092-2093	100	100
Total	2094-2095	100	100
	2096-2097	100	100
Total	2098-2099	100	100
	2100-2101	100	100
Total	2102-2103	100	100
	2104-2105	100	100
Total	2106-2107	100	100
	2108-2109	100	100
Total	2110-2111	100	100
	2112-2113	100	100
Total	2114-2115	100	100
	2116-2117	100	100
Total	2118-2119	100	100
	2120-2121	100	100
Total	2122-2123	100	100
	2124-2125	100	100
Total	2126-2127	100	100
	2128-2129	100	100
Total	2130-2131	100	100
	2132-2133	100	100
Total	2134-2135	100	100
	2136-2137	100	100
Total	2138-2139	100	100
	2140-2141	100	100
Total	2142-2143	100	100
	2144-2145	100	100
Total	2146-2147	100	100
	2148-2149	100	100

Parking on Public Streets

**CPJ**  
Associates

Charles F. Mohr & Associates, Inc.  
10000 Wilshire Boulevard, Suite 1000  
Beverly Hills, California 90210  
Tel. (310) 277-1100

MANOR HOUSE  
PARKING EXHIBIT  
CLARKSBURG TOWN CENTER  
CLARKSBURG ROAD ELECTION DISTRICT  
MONTGOMERY COUNTY, MARYLAND

**1503-14-18**



**PROJECT DESCRIPTION:** Prior Approvals

Project Plan

The Project Plan 9-94004 was approved on May 11, 1995. The opinion and staff report are made available to the Planning Board individually and are available to the public from staff files within Development Review.

Preliminary Plan

The Preliminary Plan 1-95042 was approved on September 28, 1995. The opinion and staff report are made available to the Planning Board individually and are available to the public from staff files within Development Review.

Final Water Quality Plans and Site Plans

The Phase One Site Plan 8-98001 was approved on January 22, 1998 and the Phase Two Site Plan 8-94012 was approved on May 9, 2002. The site plan data table below updates each approval in regards to the Manor Homes update. There are 13 additional Manor Home units as the buildings grow from 9 units each to 12 units each. The total number of units within Phase I has increased by 3 and within Phase II, by 10 units.

ANALYSIS: Conformance to Development Standards RMX-2

PROJECT DATA TABLE

Development Standard	Required	Proposed
Lot Area (ac.):	30 ac.	120.17 ac Phase I 77.61 ac Phase II 270.16 ac Total CTC parcel

Unit Analysis

Unit Types	Master/Project Plan Range	# Units with 1,300 base density	Original Approvals Phase I/Phase II	Approvals as amended Phase I/II
SFD	10-20%	130-260	75/153=228	
TH	30-50%	390-650	295/202=497	
MF	25-45%	325-585	396/132=528	+3 Phase I (399) /+10 Phase II (142)
TOTAL			766/487=1253	769 Phase I + 497 Phase II = 1266 total

Min Green area outside of amenity area	(total for site)	
Min. W/in Commercial portion of site	15%	n/a
Min. w/in residential portion of the site	50%(38.81 ac)	Phase I 64.7% (77 ac) Phase II 52.4%(40.68 ac)
Building height:	4 stories	4 stories
Min. Residential Density	30 du/ac	11.9du/ac (1,300 du/109.17 ac)
Min. Bldg Setbacks (ft.):		
From One Family Zone		
Commercial Bldgs.	100 ft.	n/a( Phase III)
Residential Bldgs.	100 ft.	n/a
From Any Street		
Commercial bldgs	n/a	n/a Phase III
Residential bldg	n/a	10 ft min*
Manor home setbacks to adj. Unit	n/a	10ft.

\* The Planning Board reviewed this setback during the Project Plan review and found that no setback is necessary per the approved Master Plan.

#### Parking:

Earlier Site Plans – parking as shown.

For Manor Homes - See Manor Home data sheet within this report.

The parking for the units will be located on site and within the public streets consistent with earlier site plan approvals

#### BOZZUTO MANOR HOMES

#### CLARKSBURG TOWN CENTER

OLD/NEW	BLDG	LAND AREA	AREA BLDG	GREEN SPACE	IMP. AREA	NUMBER UNITS	# of SP REQ'D	INT. GARAGE	DET. GARAGE	DW PARKING	OFF STREET	ON STREET	# of SPACES PROVIDED
OLD	# 7	24104 sqft	4360 sqft	12428 sqft	68%	9 - (3 MPDUs)	14	NA	6	NA	7	8	21
NEW	# 7	24104 sqft	5260 sqft	110548 sqft	67%	12 - (2 MPDUs)	18	6	3	NA	3-(1 HC)	8	20

OLD/NEW	BLDG	PARCEL AREA	AREA BLDG	GREEN SPACE	IMP. AREA	NUMBER UNITS	# of SP REQ'D	INT. GARAGE	DET. GARAGE	DW PARKING	OFF STREET	ON STREET	# of SPACES PROVIDED
OLD	# 9	9736 sqft	4360 sqft	16179 sqft	67%	9 - (3 MPDUs)	14	NA	NA	NA	8	10	19
NEW	# 9	9736 sqft	5260 sqft	4269 sqft	67%	12 - (2 MPDUs)	18	NA	NA	NA	8-(1 HC)	10	18

OLD/NEW	BLDG	PARCEL AREA	AREA BLDG	GREEN SPACE	IMP. AREA	NUMBER UNITS	# of SP REQ'D	INT. GARAGE	DET. GARAGE	DW PARKING	OFF STREET	ON STREET	# of SPACES PROVIDED
OLD	# 10	9452 sqft	4360 sqft	4652 sqft	67%	9 - (3 MPDUs)	14	NA	NA	NA	9 - (1 HC)	9	18
NEW	# 10	9452 sqft	5260 sqft	3984 sqft	63%	12 - (2 MPDUs)	18	NA	NA	NA	9 - (1 HC)	9	18

OLD/NEW	BLDG	PARCEL AREA	AREA BLDG	GREEN SPACE	IMP. AREA	NUMBER UNITS	# of SP REQ'D	INT. GARAGE	DET. GARAGE	DW PARKING	OFF STREET	ON STREET	# of SPACES PROVIDED
OLD	# 11	15040 sqft	4360 sqft	7329 sqft	67%	9 - (3 MPDUs)	14	NA	NA	NA	4	8	12
NEW	# 11	15040 sqft	5260 sqft	8413 sqft	63%	11 - (2 MPDUs)	17	3	NA	0	7	8	18

OLD/NEW	BLDG	PARCEL AREA	AREA BLDG	GREEN SPACE	IMP. AREA	NUMBER UNITS	# of SP REQ'D	INT. GARAGE	DET. GARAGE	DW PARKING	OFF STREET	ON STREET	# of SPACES PROVIDED
OLD	# 12	15694 sqft	4360 sqft	6352 sqft	67%	9 - (3 MPDUs)	14	NA	NA	NA	12 - (2 HC)	5	17
NEW	# 12	15694 sqft	5260 sqft	5166 sqft	67%	11 - (2 MPDUs)	17	3	6	3	0	5	17

#### Notes:

1. All on-street parking available for Public parking, not to Manor Homes residents only.
2. All "OLD" Manor Homes, except Bldg. 9 impervious numbers assumed 67% impervious for entire site.
3. Old # spaces required based on 2 bedroom per unit/multi-family calculations.

\* Rev. 1/28/05 - Bldg 11

## MPDU CALCULATIONS:

Phase	# Units approved	MPDUs required @ 12.5%	Provided (for future phases)
Phase I	769	97	55 (42)
Phase II	497	63	46 (17)
Total	1266	160	101 (59)

The approved units indicate a 59 MPDU shortage from the previously approved site plans. However not all the units previously approved will be built due to subsequent site plan amendments (both previously approved and currently under review by staff). The current or working unit plans with MPDU calculations are as follows:

Phase	# Units approved with amendments - past and (future)	MPDUs required @ 12.5%	Provided
Phase I	570	72	55(17)
Phase II	497	63	56(6)
Phase III	(126)	(16)	(38)
Total	1193	150	111 provided with current site plans (61 in future Phase I amendments and future Phase III)

There is a 13 MPDU shortage in the amended working unit calculations.

With the approval earlier approval of the Phase II Site Plan, the Planning Board approved a phasing plan for the MPDUs to be made up in the Phase I revisions and future Phase III site plans. This site plan conforms to that approval strategy. In order to keep a balance of market rate units and required MPDUs, the Applicant has removed the approved lots within Block EE and GG on the MPDU Phasing Plan of May 2, 2002 from consideration for building permits. When the final section of Phase III retail and the amended Phase I residential uses are reviewed by the Planning Board, the full measure of MPDUs will be supplied to the project.

Recreation tabulations follow. The Site Plans are in conformance to the Planning Board Guidelines.

# RECREATION FACILITIES WORKSHEET

Clarksburg Town Center  
Phases 1B1, 1B2, 1B3 & 2

## DEMAND POINTS PER POPULATION CATEGORY

HOUSING TYPE		D1	D2	D3	D4	D4
S.F. III	200	28.0	38.0	46.0	254.0	26.0
Townhouses	418	71.1	92.0	75.2	539.2	37.6
Garden/Multi-Family	162	17.8	22.7	19.4	191.2	25.9
<b>TOTAL DEMAND</b>	<b>780</b>	<b>116.9</b>	<b>152.7</b>	<b>140.6</b>	<b>984.4</b>	<b>89.5</b>

## SUPPLY POINTS PER FACILITY

FACILITY	D1	D2	D3	D4	D5
Seating Areas (31)	31.0	31.0	46.5	155.0	62.0
Multi-Age Play (3)	27.0	33.0	9.0	21.0	3.0
Tot Lot (2)	18.0	4.0	0.0	8.0	2.0
Open Play II (2)	12.0	18.0	24.0	60.0	4.0
Swimming Pool (1)	7.4	35.9	30.8	287.5	12.7
Wading Pool (1)	20.1	8.8	0.0	57.5	4.2
Community Space (1)	13.4	26.3	45.1	345.0	33.8
Indoor Fitness (1)	0.0	17.5	15.0	230.0	12.7
Soccer Field (1)	2.0	15.0	20.0	40.0	2.0
Baseball Field (1)	2.0	15.0	20.0	40.0	2.0
Nature Trail	6.7	17.5	22.5	172.5	12.7
Nature Area	0.0	8.8	15.0	115.0	4.2
Bike System	6.7	17.5	22.5	172.5	8.4
Pedestrian	13.4	35.0	22.5	517.5	38.0
<b>TOTALS</b>	<b>159.7</b>	<b>283.3</b>	<b>292.9</b>	<b>2,221.5</b>	<b>201.7</b>

## FINDINGS: For Site Plan Review

1. *The Site Plan is consistent with an approved development plan or a project plan for the optional method of development if required.*

The proposed development is consistent with the approved Project Plan in land use, density, location, building height and development guidelines.

2. *The Site Plan meets all of the requirements of the zone in which it is located.*

If amended in accordance with recommended conditions, the Site Plan meets all of the requirements of the RMX-2 zone as demonstrated in the project Data Table above.

3. *The location of the building and structures, the open spaces, the landscaping, recreation facilities, and the pedestrian and vehicular circulation systems are adequate, safe and efficient.*

- a. Buildings

The building locations conform to earlier site plan approvals with the Manor Homes in their cornerstone locations within their blocks. At three stories, the Manor Homes are consistent with the adjacent townhouse and single-family development in scale and placement.

- b. Open Spaces

The plan maintains the proposed opens space locations within the subdivision at large as proposed in earlier approvals for Phase I and II (Greenway Trail and local parks internal to the subdivision). The footprint has expanded for each building (as noted in the Old and New Manor Home Comparison chart) and but with no significant impact on the

The storm water management concept for the amendment does not adversely impact the water quality features of this drainage area. See DPS email of January 27, 2005, attached. The revision has a relatively similar impervious area as the original design of the associated water quality structure. No amendment to the Final Water Quality Plan has been required for this minor amendment.

- c. Landscaping and Lighting

The landscape plan for the proposed manor homes provides attractive streetscape shade trees, foundation plantings, screen planting for parking areas and screen/buffer to adjacent homes. The addition of screening and landscaped areas enhances the screening of the parking areas from adjacent streets.

The lighting plan includes wall-mounted lighting with cut -off features for the garage mounted lighting and residential styled lighting for the entry to each front door. The streetlights conform to the street lights previously approved with the original Phase I and II site plan.

d. Recreation

Recreation demand is satisfied as shown in the recreation calculations table above. The proposed recreation facilities, include many local play areas, stream valley trail system, pedestrian paths and sidewalks, sitting areas and park dedication and other improvements.

e. Vehicular and Pedestrian Circulation

Access points to the site are to be provided consistent with the grid based neotraditional street pattern that was approved with earlier site plans. On-street parking for Building #3 has been expanded with parallel parking on both sides of the internal drive adjacent to Clarksburg Road. The garage of Building #11 has been reoriented to minimize views of the parking areas from the adjacent greenway trail area.

4. *Each structure and use is compatible with other uses and other Site Plans and with existing and proposed adjacent development.*

Each unit is compatible with the adjacent units: the three story structures are similar to the adjacent two and three story buildings,

5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation.*

The Site Plan conforms to the earlier Forest Conservation Plans as previously approved.

## APPENDIX

- A. DPS email of January 27, 2005
- B. Previously Approved Staff Reports and the Planning Board Opinions are located within the Staff file.

Scanned 4/11/07



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

Date Mailed: **MAR 21 2005**

Action: Approved Staff Recommendation.  
Motion of Commissioner Wellington,  
seconded by Commissioner Perdue, with a  
vote of 4-0.  
Chairman Berlage and Commissioners  
Perdue, Wellington and Robinson voting in  
favor.

**MONTGOMERY COUNTY PLANNING BOARD  
OPINION**

Site Plan No.: 8-02014B and 8-98001G  
Project: Clarksburg Town Center  
Date of Hearing: February 10, 2005

The date of this written opinion is **MAR 21 2005** (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal, as provided in the Maryland Rules of Procedure, thirty days from the date of this written opinion. This site plan shall remain valid as provided in Section 59-D-3.8.

**INTRODUCTION**

On February 10, 2005, Site Plan Review #8-02014B and #8-98001G was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application.



### **THE SUBJECT PROPERTY**

The proposed lots are within Clarksburg Town Center, a subdivision with a potential of 1,300 units as approved in Preliminary Plan # 1-95042. CTC is located east of MD Route 355 and south of Clarksburg Road, and east of the Clarksburg Road intersection with I-270. Clarksburg Road, Snowden Mill Parkway (A-305), Stringtown Road and the historic district that encompasses MD Route 355, just beyond the site to the east, define the boundaries of the site.

The headwaters of the Little Seneca Stream Valley create the basis of the open spaces preserved internally. The M-NCPPC Greenway Trail will bisect the project and will connect to Little Bennett Park to the north and to Clarksburg Village and M-NCPPC Ovid Hazen Wells Park further to the southeast.

### **PROJECT DESCRIPTION:**

The proposed units are within the neo-traditional grid of Clarksburg Town Center and sites are either defined by the adjacent buildings, streets and rough graded lots or are not yet developed and are still in mass graded condition. The subject properties front the following streets: Catawba Hill Drive, Clarksburg Square Road, Clarksburg Square Road, and Clarksburg Road.

### **BACKGROUND**

### **PROPOSED DEVELOPMENT**

The proposal will enlarge the footprint and unit count of five multifamily buildings within Phase One and Two of Clarksburg Town Center subdivision. The units were originally approved as 9-unit, three story buildings in a "T" footprint. The amendment is to create two-11 unit buildings and three-12 unit buildings, all three stories in a square footprint of 5,260 s.f. The buildings are 40' 8" in height.

The building locations act as cornerstones to the blocks they edge, creating visible entrances or gateways to different parts of the neighborhood. The building locations are the same location they were placed in earlier approvals for Phase I and II site plans. At three stories, the buildings are at the same scale as the adjacent townhomes and single-family detached houses. Enclosed dumpsters with landscaping and wooden fences are provided adjacent to each manor home.

The units are designed to look like a single "manor home" and have one highly definable front door, one rear door, and a patio or balcony for several of the units.

Clarksburg Town Center  
Site Plan No.: 8-02014B and No. 8-98001G  
Page 3

Depending on their location, they have parking either within the lower floor or immediately adjacent in internal block parking and adjacent street parking.

Landscaping provided for each unit includes wrap around foundation planting, flowering or evergreen trees and shade trees on site and in the adjacent right-of-way. Lighting for each building includes wall mounted lights over the parking areas and adjacent to the doors. The lighting fixtures include cut-off features. Streetlights are provided in the public streets, as provided for in the earlier site plan approvals.

Parking is provided within garages, behind the units in small parking lots or on the public streets. The attached exhibits show the parking for each building. Additionally, the Applicant has prepared a study of available on-street parking spaces in the vicinity of each Manor Home. It indicates adequate availability of on-street parking.

### **SUMMARY OF TESTIMONY AND EVIDENCE IN RECORD**

At the public hearing staff gave a presentation summarizing the proposed development, and recommended approval of the project, subject to conditions, as reflected in the staff report. Staff noted that the staff report needed to be corrected to reflect that Phase I of the project is short six moderately priced dwelling units ("MPDUs"), (not a 23-unit shortage, as indicated in the staff report). Staff, in response to Boardmember questioning, indicated that these MPDU units would be constructed in later phases of the project.

The applicant, represented by legal counsel, appeared and testified. The applicant did not raise any objections to the staff recommendation of approval or to staff's recommended conditions of approval, and concurred with the conditions as revised by the Planning Board, reflected below.

Three co-chairs of the Clarksburg Town Center Advisory Committee ("CTCAC") appeared to testify. They testified in support of the general land use plan for the Clarksburg Town Center, and their comments focused on that issue. They noted that the project supports the master plan objective of providing a wide choice of housing types, and neighborhoods for people of all ages, incomes and lifestyles. They (1) raised concerns about the building heights, stating that in their opinion the buildings should not exceed 45 feet in height; (2) expressed support for additional six parking spaces in the alleyway shown on the plan; and (3) expressed concern about the exterior building materials shown on the plans, seeking alterations to the original choice of exterior building materials, and in particular the ratio of brick to siding. The applicant testified, in response, that it would continue to work with the CTCAC as it finalized its building elevation design. The applicant also testified that the buildings would not exceed 45 feet in height. The applicant indicated that it intends to add six parking spaces in a site plan that will be presented to the Board in

a subsequent phase (Site Plan No. 8-98001G), and staff noted that the additional spaces should be reviewed at that time, rather than included in the instant approval.

In response to Boardmember inquiries, the applicant testified that the MPDUs that need to be provided are expected to be presented in a subsequent phase for Planning Board review in the spring of 2005, and staff noted that the conditions of approval for those phases are included in this approval and consequently those phases will be governed by this approval.

### **FINDINGS**

Based on all of the testimony and evidence presented and on the staff report, which is made a part hereof, the Montgomery County Planning Board finds:

1. The Site Plan is consistent with the approved development plan or a project plan for the optional method of development, if required.

The proposed development is consistent with the approved Project Plan in land use, density, location and building height and development guidelines.

2. The Site Plan meets all of the requirements of the zone in which it is located.

If amended in accordance with recommended conditions, the Site Plan meets all of the requirements of the RMX-2 zone as demonstrated in the project Data Table contained in the staff report.

3. The locations of the buildings and structures, the open spaces, the landscaping, the recreation facilities, and the pedestrian and vehicular circulation systems are adequate, safe, and efficient.

- a. **Buildings**

The building locations conform to earlier site plan approvals with the Manor Homes in their cornerstone locations within their blocks. At three stories, the Manor Homes are consistent with the adjacent townhouse and single-family development in scale and placement.

- b. **Open Spaces**

The plan maintains the proposed open space locations within the subdivision at large as proposed in earlier approvals for Phase I and II (Greenway Trail and local parks internal to the subdivision). The footprint

Clarksburg Town Center  
Site Plan No.: 8-02014B and No. 8-98001G  
Page 5

has expanded for each building (as noted in the Old and New Manor Home Comparison chart) and but with no significant impact on the

The storm water management concept for the amendment does not adversely impact the water quality features of this drainage area. The revision has a relatively similar impervious area as the original design of the associated water quality structure. No amendment to the Final Water Quality Plan has been required for this minor amendment.

c. Landscaping and Lighting

The landscape plan for the proposed manor homes provides attractive streetscape shade trees, foundation plantings, screen planting for parking areas and screen/buffer to adjacent homes. The addition of screening and landscaped areas enhances the screening of the parking areas from adjacent streets.

The lighting plan includes wall-mounted lighting with cut-off features for the garage mounted lighting and residential styled lighting for the entry to each front door. The streetlights conform to the street lights previously approved with the original Phase I and II site plan.

d. Recreation

Recreation demand is satisfied as shown in the recreation calculations table above. The proposed recreation facilities, include many local play areas, stream valley trail system, pedestrian paths and sidewalks, sitting areas and park dedication and other improvements.

e. Vehicular and Pedestrian Circulation

Access points to the site are to be provided consistent with the grid based neotraditional street pattern that was approved with earlier site plans. On-street parking for Building #3 has been expanded with parallel parking on both sides of the internal drive adjacent to Clarksburg Road. The garage of Building #11 has been reoriented to minimize views of the parking areas from the adjacent greenway trail area.

4. Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.

Clarksburg Town Center  
Site Plan No.: 8-02014B and No. 8-98001G  
Page 6

Each unit is compatible with the adjacent units; the three story structures are similar to the adjacent two and three story buildings and they are residential in character.

5. The site plan meets all applicable requirements of Chapter 22A regarding forest conservation.

The Site Plan conforms to the earlier Forest Conservation Plans as previously approved.

### **PLANNING BOARD ACTION AND CONDITIONS**

The Montgomery County Planning Board APPROVES Site Plan Review #8-02014B and 8-98001G for 58 multifamily dwelling units inclusive of 10 MPDUs on 270.16 gross acres in the RMX-2 zone with the following conditions:

**STAFF RECOMMENDATION:** Approval of 58 multifamily dwelling units inclusive of 10 MPDUs, with the following conditions:

1. **Conformance to earlier conditions**

All prior approvals, including the conditions of approval, unless expressly modified in through this amendment, shall remaining full force and effect. The Development Program and Site Plan Enforcement Agreements shall be revised to include this amendment.

2. **Lighting**

- a. Provide a lighting distribution and photometric plan with summary report and tabulations to conform to IESNA standards for residential/commercial development.
- b. All light fixtures shall be full cut-off fixtures.
- c. Deflectors shall be installed on all fixtures causing potential glare or excess illumination, especially on the perimeter fixtures abutting the adjacent residential properties.
- d. Illumination levels shall not exceed 0.5 footcandles (fc) at any property line abutting county roads or adjacent residential properties.

3. **Forest Conservation**

The applicant shall comply with the earlier conditions of approval from M-NCPPC-Environmental Planning in the memorandum.

Clarksburg Town Center  
Site Plan No.: 8-02014B and No. 8-98001G  
Page 7

4. Stormwater Management

The proposed development conforms to the earlier approvals for the Stormwater Management Concept approval and the Final Water Quality Approvals for Site Plans 8-98001G and 8-02014B.

5. Landscape Plan

The plans shall be amended to include the following:

- a. Additional landscaping to be added behind the rear of the free standing garage and the adjacent home for Building 12.
- b. Show all street trees and sidewalks for all sides of Building 11.
- c. Review shade tree selections for parking areas for adequacy of shade and mass.

6. Architectural Details

- a. The buildings shall not exceed 45 feet in height.
- b. The Applicant shall submit revised elevations showing architectural materials for Planning Board staff final review and approval, following consultation with the Clarksburg Town Center Advisory Committee.

\* \* \* \* \*

[CERTIFICATION OF BOARD VOTE ADOPTING OPINION ON FOLLOWING PAGE]

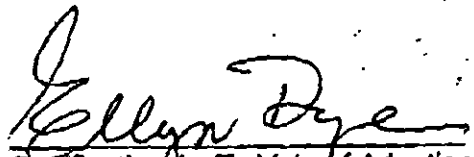
MR 3/4/05  
Approved for legal sufficiency  
M-NCPPC Office of General Counsel

Clarksburg Town Center  
Site Plan No. 8-02014B and No. 8-98001G  
Page 8

MAR 22 2005

**CERTIFICATION OF BOARD VOTE ADOPTING OPINION**

At its regular meeting, held on Thursday, March 10, 2005, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, on the motion of Commissioner Robinson, seconded by Commissioner Wellington, with Commissioners Perdue, Robinson, and Wellington voting in favor of the motion; Commissioner Bryant abstaining; and Commissioner Berlage absent, adopted the attached Opinion, which constitutes the final decision of the Planning Board and memorializes the Board's findings of fact and conclusions of law for Clarksburg Town Center, Site Plan No. 8-02014B and No. 8-98001G.

  
Ellyn Dye  
Certification As To Vote of Adoption  
Technical Writer



## MONTGOMERY COUNTY PLANNING BOARD

### OPINION

**DATE MAILED:** June 17, 2002  
**SITE PLAN REVIEW #:** 8-02014  
**PROJECT NAME:** Clarksburg Town Center Phase II

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*Action on Final Water Quality Plan: Approval subject to conditions. Motion was made by Commissioner Bryant and seconded by Commissioner Robinson, with a vote of 4-0, Commissioners Bryant, Robinson, Perdue and Wellington voting for. Commissioner Holmes was necessarily absent.*

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*Action on Site Plan #8-02014: Approval subject to conditions. Motion was made by Commissioner Bryant, seconded by Commissioner Robinson, with a vote of 4-0, Commissioners Holmes, Bryant, Robinson, Perdue and Wellington voting for. Commissioner Holmes was necessarily absent.*

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The date of this written opinion is June 17, 2002, (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal, as provided in the Maryland Rules of Procedure, on or before July 17, 2002 (which is thirty days from the date of this written opinion). If no administrative appeal is timely filed this Site Plan shall remain valid for as long as Preliminary Plan #1-95042 is valid, as provided in Section 59-D-3.8.

On May 9, 2002, Site Plan Review #8-02014 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and evidence submitted in the record on the application. Based on the testimony and evidence presented and on the staff report, which is made a part hereof, the Montgomery County Planning Board finds:



*The Site Plan is consistent with approved Project Plan #9-94004 for the optional method of development;*

- 1. The Site Plan meets all of the requirement of the RMX-2 zone, and is consistent with an urban renewal plan approved under Chapter 56;*
- 2. The locations of the buildings and structures, the open spaces, the landscaping, recreation facilities, and the pedestrian and vehicular circulation systems are adequate, safe, and efficient;*
- 3. Each structure an use is compatible with other uses and other Site Plans and with existing and proposed adjacent development;*
- 4. The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation;*
- 5. The Site Plan meets all applicable requirements of Chapter 19 regarding water resource protection.*

Therefore, the Montgomery County Planning Board **APPROVES** the Final Water Quality Plan for Site Plan # 8-02014 subject to the following conditions:

1. Conformance to the conditions as stated in the May 9, 2002 Department of Permitting Services letter approving the Final Water Quality Plan, attached.

Therefore, the Montgomery County Planning Board **APPROVES** Site Plan #8-02014, which consists of 487 dwelling units (153 SFD, 202 TH's and 132 multifamily units) inclusive of 46 MPDU's on 77.61 acres subject to the following conditions:

1. Standard Conditions dated October 10, 1995, Appendix A
2. Park and School Site
  - A. Per the MCPS Memo of May 2, 2002, attached, the applicant shall provide adequate engineered fill and retaining walls if necessary, for the site and will rough grade the remainder of the school site to allow for school construction at a reasonable cost. Storm water management facilities shall accommodate the MCPS site and shall be located off the MCPS /park site. The forest conservation plan for the MCPS school site is provided for elsewhere within the Clarksburg subdivision.

Within 90 days after the date of the planning board's opinion, the applicant shall provide MCPS with a proposed grading plan for the school site to allow for school construction. Where appropriate, the grading plan may incorporate changes in elevation to accommodate a two-story walkout school building.

MCPS shall have 90 days to review the proposed grading plan and provide comments to the applicant. The final grading plan shall be reviewed by planning board staff and approved prior to completion of the signature set. The signature

set may include 2 phases – one phase will include the entirety of the Park/School Site and the adjacent road and the confronting units. The second phase shall include the remainder of the units in Phase II. The Applicant, MCPS and Planning Board staff shall work to resolve any remaining site grading issues. The matter can be brought back to the Planning Board for discussion if there are any unresolved issues.

(a) Alternatively, if this cannot be done, MCPS will consider another site within the subdivision pending revision of the applicable Preliminary and Project Plans. (Memo attached)

(b) M-NCPPC Parks Department shall review and approve all final path locations in the site. Any path that may serve, as a substitute for a public sidewalk shall be reviewed by DPWT.

B. Regarding the ball fields, the plan shall be consistent with condition # 6 of Preliminary Plan 1- 95042 as follows:

Dedication of the proposed park/school, as shown on the Applicant's revised preliminary plan drawing, is to be made to M-NCPPC. In order to facilitate the implementation of the combined park/school facilities, the following provisions apply:

(a) M-NCPPC and the Applicant will enter into an agreement specifying that an exchange of land, identified as areas "B1" and "B2" on the park/school concept drawing set out on Circle Page 49 of the Preliminary Plan staff report, attached, will occur prior to the execution of the Site Plan Enforcement Agreement.

(b) Dedication of the approximately 8 acre area, identified as area "A" on the same park/school concept drawing identified above, will occur either at the time of recordation of the plats for the adjacent phase of the project or at such time as funds for construction of the future elementary school are added to the County CIP, whichever occurs first.

(c) The Applicant will provide site grading, infield preparation and seeding of the replacement athletic fields on the approximately 8 acres of dedicated land at a time which insures that there will be no disruption in the continued use of the existing athletic fields prior to completion of the replacement athletic fields.

(i) In the event that dedication occurs when funds for the proposed school are shown in the CIP, Applicant will complete work on the replacement fields prior to the construction of the proposed school.

- (ii) In the event that dedication occurs prior to funding for the school being shown in the CIP, then upon construction of Street "F", as shown on the revised preliminary plan, Applicant will commence work on replacement of the baseball field. In addition, if at Site Plan it is determined that there is sufficient earth material on site to construct both replacement fields, then Applicant will also rough grade and seed the replacement soccer field when construction of Street "F" begins. Area tabulations for the proposed park/school complexes to be submitted for technical staff review at Site Plan. Final grading plan for the park/school site to be submitted for technical staff approval as part of the Site Plan application.
- (d) Applicant shall acknowledge that there is sufficient earth material on site to construct both fields and agrees to construct the two fields upon commencement of construction of Street "F" referenced in the Preliminary Plan approval, or prior to construction of the proposed elementary school, whichever occurs first.
  - (i) The exact location and orientation of the fields to be coordinated with M-NCPPC staff.
  - (ii) The softball field to be full sized with foul lines of 290'.
  - (iii) The soccer field to be full adult size with dimensions of 360' by 220'.
- (e) Final details regarding the Park/School site shall be reviewed by staff and shall reflect the direction of the approved Preliminary Plan # 1-95042 and shall include input from the Parks Department, MCPS and the Applicant for the final design of the ball field and path layout, the metes and bounds survey of dedication prior to recordation, grading, access, storm water management facilities and any other issues as required.
- (f) There shall be no disturbance (or activity to cause them to be unusable) of the existing fields within Kings Local Park until the new fields are constructed. (Note: The applicant acknowledges there is sufficient earthwork to build both ball fields and will do so.)

(g) Applicant to construct paved hiker/biker trails in the following locations:

- i. Along the east side of Overlook Park Drive from Stringtown Road to Clarksburg Road (Route 121). Per Phase I approval. This trail will be aligned to meet the Clarksburg Greenway Trail from the south side of Stringtown Road.
- ii. From the Clarksburg Greenway Trail along Overlook Park Drive to the Kings Local Park pond trails (two connections to the pond trail) -per Phase I approval.
- iii. Along the south side of Clarksburg Road from the pond area trails to the intersection with Piedmont – per Phase I approval.
- iv. Along the south side of Piedmont from Clarksburg Road to Street "F" - per phase one approval.
- v. Along the west side of Street "F" from Piedmont to Main Street and continuing along Main Street to the Greenway Trail along Overlook Park Drive – within the right-of way per DPWT standards.
- vi. Trails are to be constructed to park standards when outside of right-of-way. Exact trail alignments to be coordinated with M-NCPPC and DPWT staff, and should be appropriately located and landscaped to maintain a park like setting while also fulfilling the need for safe, off road transportation in the area.

3. Piedmont Road

- A. The applicant shall pursue the abandonment of the prescriptive right-of-way of Piedmont Road and Burnt Hill Road with Montgomery County prior to recordation of plats for these areas.
- B. The applicant shall not record plats for the units located within the existing prescriptive right-of-way until the county council grants approval of the abandonment request.
- D. The Piedmont Road Abandonment Exhibit, identifying the affected lots, is attached.

4. MPDU's

In order to maintain an equitable balance of MPDU's, all units within Blocks EE and GG of Phase I Site Plan 8-98014 as shown in MPDU exhibit dated May 2, 2002 (attached) will not be constructed until the Planning Board approves a revision of those blocks (proposed to be resubmitted for approval).

5. Waivers Requested And Previously Approved:

- A. Waiver of lots fronting on a public right-of-way Section 50-29-(A)(2) --(Staff recommends approval due to interconnecting grid of streets and it's limited use).
- B. Waiver of closed section streets has been approved with the Project Plan.

6. Environment

- A. Record plats to reflect delineation of a Category I Conservation easement that includes the stream/wetland buffers and forest conservation areas, as shown on the site plan, that are not part of the park dedication area.
- B. Final erosion and sediment control plans shall be submitted to Environmental Planning staff for review and comment prior to approval by MCDPS.
- C. The Final Forest Conservation Plan must be approved and bonded prior to issuance of the sediment and erosion control permit.
- D. The outfall from Pond #3, and any other stormwater management facility or storm drain outfalls which extend into the environmental buffer, shall be field located by applicant's representative, MCDPS, and MNCPPC Environmental Planning staff prior to approval of the stormwater management/sediment control permits by MCDPS.
- E. MNCPPC Environmental Planning staff shall review and approve detailed design plans for any wetland mitigation sites within the environmental buffers prior to issuance of sediment control permits or authorization to clear and grade any of these facilities.

7. Lighting And Landscape Plan

Street trees species and spacing to reflect the draft Clarksburg Streetscape Study and the proposed lighting plan.

**APPENDIX A: STANDARD CONDITIONS OF APPROVAL DATED 10-10-95:**

1. Submit a Site Plan Enforcement Agreement, Development Review Program and Homeowner Association Documents for review and approval prior to approval of the signature set as follows:
  - a. Development Program to include a phasing schedule as follows:
    - 1) Streets tree planting must progress, as street construction is completed, but no later than six months after completion of the units adjacent to those streets.
    - 2) Community-wide pedestrian pathways and recreation facilities must be completed prior to seventy percent occupancy of each phase of the development.
    - 3) Landscaping associated with each parking lot and building shall be completed as construction of each facility is completed.
    - 4) Pedestrian pathways and seating areas associated with each facility shall be completed as construction of each facility is completed.
    - 5) Clearing and grading to correspond to the construction phasing, to minimize soil erosion.
    - 6) Coordination of each section of the development and roads.
    - 7) Phasing of dedications, stormwater management, sediment/erosion control, recreation, forestation, community paths, trip mitigation or other features.
  - b. Site Plan Enforcement Agreement to reference applicable road construction phasing and park/school agreements.
2. Signature set of site, landscape/lighting, forest conservation and sediment and erosion control plans to include for staff review prior to approval by Montgomery County Department of Permitting Services (DPS):
  - a. Undisturbed stream buffers at least 150 to 240 feet wide as shown on the site plan.
  - b. Limits of disturbance.
  - c. Methods and locations of tree protection.
  - d. Forest Conservation areas.
  - e. Location of stormwater facility and storm drain outfalls away from forest preservation or other environmentally sensitive areas.
  - f. Conditions of DPS Final Water Quality and Stormwater Management Concept approval letter dated May 9, 2002 and DPS memo of May 2, 2002.
  - g. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading.
  - h. The development program inspection schedule.
  - i. Category I conservation easement and park dedication boundary.

- j. Streets trees, as shown, all public streets.
  - k. Centralized, screened trash areas for all multi-family and one-family attached units except townhouses.
  - l. Details for and location of noise fencing to attenuate current noise levels to no more than 60 dBA Ldn for the outdoor back yard area of homes with side yards facing A-305.
- 3. Forest Conservation Plan shall satisfy all conditions of approval prior to recording of plat and DPS issuance of sediment and erosion control permit.
  - 4. No clearing or grading prior to M-NCPPC approval of signature set of plans except to allow rough grading as previously approved with the Preliminary Plan.

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## DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan  
County Executive

May 9, 2002

Robert C. Hubbard  
Director

Mr. Jeffery Strulic  
Charles P. Johnson & Associates  
1751 Elton Road  
Silver Spring, MD 20903

Re: Stormwater Management **CONCEPT** Request  
for Clarksburg Town Center Phase 2  
Preliminary Plan #: 1-95042  
SM File #: 204464  
Tract Size/Zone: 70.3 acres/RMX-2  
Total Concept Area: 70.3 acres  
Tax Plate: EW  
Lots/Block: G, I, J, K, L, M, N, P, R, S & T  
Parcel: A  
Liber/Folio: 6776/876; 8825/755  
Montg. Co. Grid: 09D03  
Watershed: Little Seneca Creek

## SPECIAL PROTECTION AREA

Dear Mr. Seidleck:

Based on a review by the Department of Permitting Services, the Final Water Quality Plan (FWQP) for the above mentioned site is conditionally approved.

**Site Description:** The site is the remaining portion of the Clarksburg Town Center and consists of 70.3 acres located between Clarksburg Road, Piedmont Road, and Stringtown Road. The proposed zoning of the site is RMX-2 and will consist of mixed residential (single-family detached, townhouses, apartments and condominiums) along with a school, park and associated infrastructure. This site is located in the Clarksburg Special Protection Area (SPA) of the Little Seneca Creek Watershed.

**Stormwater Management:** Water quantity control for this phase will be provided via an extended detention dry pond and the existing wet pond #1. Pond #1 provides infiltration for the one-year storm and pond #3 will provide control of the one-year storm, with an adjustable release rate for a maximum of 24 hours detention time in accordance with the new state standards. Quality control will be provided via a treatment train that consists of vegetated conveyance swales, bio-retention structures (for small drainage areas), surface sand filters, infiltration structures (where feasible) and ground water recharge areas for the rooftops. In areas where open section roads are not feasible, additional water quality structures are required to offset the lost benefits that open section roadways provide. These offsetting structures may include additional infiltration structures, bio-retention structures or surface sand filters. Areas that are intended for vehicular use are to be pretreated prior to entering any water quality structures. The water quality structures must be sized to treat a minimum of one-inch over the proposed impervious area.

The locations of open section and closed section roads along with the locations and nature of all of the proposed water quality control structures (including the offsetting water quality structures for the loss of open section roads) must be clearly identified on the initial sediment control/stormwater management/water quality plan. Additional monitoring may be required depending on the final location and configuration of the water quality structures.





**Sediment Control:** Redundant sediment control structures are to be used throughout the site. These are to include upland sediment traps, which drain to secondary traps down grade, or when this is not feasible, sediment traps with forebays will be acceptable. All sediment-trapping structures are to be equipped with dewatering devices. The following features are to be incorporated into the detailed stormwater manage/sediment control plan:

1. All pertinent stormwater management structures must be designed, approved, permitted, and bonded with the initial sediment control plan. Phasing or otherwise delaying permitting of stormwater structures will be unacceptable.
2. The earth dikes that feed the sediment traps are to be constructed as a type B dike utilizing trapezoidal channels to reduce flow rates.
3. The site grading shall be phased, whenever possible, to limit disturbance and immediate stabilization is to be emphasized.
4. Silt fence alone will not be allowed as a perimeter control. The use of multiple rows of super silt fence will be acceptable for small areas of disturbance.

**Performance Goals and BMP Monitoring:** See the attached addendum dated May 8, 2002, and for further information contact Keith Van Ness at MCDEP.

NOTE: The addendum to the Final Water Quality Plan for Clarksburg Phase II detailing the Performance Goals, how the goals will be met, and a detailed BMP Monitoring Plan must be received and approved by DPS prior to submission of detailed sediment control and stormwater management plans.

**Conditions of Approval:** The following conditions must be addressed in the initial submission of the sediment control plan: This list may not be all-inclusive and may change based on available information at the time of the review:

1. Due to the relatively low use of open section roads, every opportunity to provide additional groundwater recharge throughout the site must be taken. This is to include areas along the backs of lots and any other open area (e.g., parking islands, under play fields, tot lots, open space around buildings, etc.). If sufficient recharge can not be provided in these areas, lots may have to be deleted.
2. Should MNCPPC/EPD determine that all pond embankments must be moved back from the environmental buffers 15 feet, MCDPS may require a realignment of lot lines to assure adequate space for all structures.
3. Under no circumstances will any slope into, on, or around any stormwater structure be allowed to be steeper than three feet horizontal to one-foot vertical ratio. Any location where this occurs may be required to either, realign lot lines or constructed re-enforced concrete retaining walls. Note: Wood retaining walls will be unacceptable on the stormwater manage parcels.
4. All stormwater management structures, along with a 12-foot wide driveway for access, will be required to be located on stormwater parcels. This is not applicable where the structures are constructed under parking lots or in islands.

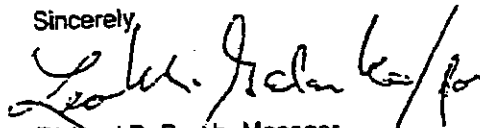
5. Provide safe conveyance of all runoff to one of the stormwater management structures as shown by the drainage divides on the plan.
6. All recharge structures will be excavated to existing ground; none are to be constructed in fill.
7. Sand filter #10 and the infiltration structure above it will need to be reversed or combined to provide a series treatment system.
8. Sand filter #10's underdrain will discharge to the stream valley, not back to the storm drain system.
9. It appears that sand filter #10 will be designed as a NRCS-MD 378 pond. As one, it will be required to meet most criteria. Further discussion should take place prior to beginning its design.
10. A further review of the roof top areas to the recharge structures may need to be adjusted due to architecture designs.
11. It appears that a few lots near proposed quantity control structure drain directly into the structure without being treated for quality control. Quality control is required for all impervious areas.
12. Provide clear access to all stormwater management structures from a public right-of-way.
13. The proposed water quality inlets must be approved by DPS (a drop manhole will not be acceptable).
14. Water quality structures used for sediment control must have a minimum undisturbed buffer of two feet from the bottom of the sediment trap to the bottom of the stormwater structure.
15. At a minimum, one foot of stone (dead storage) is to be provided below the outlet pipe of all of the proposed surface sand filters to provide additional groundwater recharge.
16. All of the proposed stream crossings are to use environmentally sensitive design criteria.
17. Percolation tests must be performed to determine the feasibility of providing infiltration structures for water quality and ground water recharge.
18. Provide a tree-planting plan to allow for shading of the dry pond outfalls (into the low flow channels and out of the ponds).
19. MCDPS reserves the right to require the developer to provide full-time, third-party, on-site, sediment control inspection if the department decides the goals of the Water Quality Plan are not being met.

Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended Water Quality Plan requirements.

Jeffery Strlic  
May 9, 2002  
Page 4

If you have any questions regarding these actions, please feel free to contact Richard Gee at (240) 777-6333 or Leo Galanko at (240) 777-6242.

Sincerely,



Richard B. Brush, Manager  
Water Resources Plan Review Section  
Division of Land Development Services

RRB: enm: CN204464

cc: M. Shaneman  
M. Pfefferle  
L. Galanko  
SM File # 204464

Qn: on-site 70.3 ac  
Qt: on-site 70.03 ac.



## DEPARTMENT OF ENVIRONMENTAL PROTECTION

Douglas M. Duncan  
County Executive

James A. Caldwell  
Director

### Attachment to the Final Water Quality Plan for Clarksburg Town Center Phase II Description of Monitoring Requirements

Date: May 8, 2002  
Preliminary Plan #: 1-95042  
SM File #: 204464

The purpose of this attachment is to add specificity to the county BMP monitoring protocols and to the BMP monitoring plan described in the addendum to the FWQP for Clarksburg Town Center Phase II. Some supplemental monitoring, QA/QC, data analysis, reporting and record keeping tasks will be explained in this attachment.

This BMP monitoring is being done to address whether the site performance goals outlined in the addendum to the FWQP for Clarksburg Town Center Phase II were met or not. The purpose of the data analysis and reporting is to describe quantitatively how the performance goals were met. Monitoring efforts and reports must employ scientific methods in an attempt to determine effectiveness of BMPs. Monitoring is to be done according to DEP BMP Monitoring Protocols. However, these monitoring protocols are intended to provide a framework only. Some supplemental requirements are provided in this attachment. Thorough and careful analysis of data is required. Data analysis methods employed may vary depending on the results obtained. Methods and assumptions should be detailed. DEP BMP Monitoring Protocols are available at <http://www.co.mo.md.us/services/dep/Publications/pdf%20files/bmpprotocols.pdf>.

#### Specific Monitoring Requirements

1. BMP monitoring reports must include a table with dates of all major construction activities which take place on the site. (Groundbreaking, clearing, grading, BMP construction, BMP conversion, pond maintenance, sediment spills and cleanup, etc.)
2. Annual base flow and flow-weighted stormwater samples will continue to be collected as during pre-construction. Results should be compared to previous results to determine the effects of BMPs and the project overall.
3. Continuous flow data will be collected as during pre-construction. Results will evaluate the effect of BMPs and the project on stream flows. Lag times, base flows, storm peaks, and other parameters will be examined and compared to pre-construction conditions.



Watershed Management Division

255 Rockville Pike, Suite 120 • Rockville, Maryland 20850-1166 • 240/777-7780, FAX 240/777-7715

4. Stream water temperatures will be monitored at the three locations designated during the pre-construction period. This monitoring will occur from June 1 through October 1 each year. Equipment accuracy is to be checked prior to use in spring. An accuracy check after retrieval in fall may be necessary depending on results obtained. Consult with equipment manufacturer or DEP for appropriate procedures. All accuracy checks are to be submitted with data analysis and reports. Temperature loggers should be set to take readings as frequently as possible. Consult with DEP if readings will be taken less frequently than every 30 minutes. Data from the loggers is to be closely compared to preconstruction conditions to identify any patterns indicating temperature impacts of the project. Rainfall, air temperature and flow data should be considered in the analysis. Rain and temperature gages will be maintained on the site to collect the relevant data. Analysis should be presented with illustrative graphs and conclusions regarding BMP effectiveness.
5. TSS grab sample locations will be established at a sediment pond on the site during construction. Exact sampling locations will be determined by DEP in the field to allow evaluation of the effectiveness of redundant sediment traps. Sampling is to be done quarterly during storm events throughout the construction phase. Storms should have at least one half inch of rainfall in a 24 hour period to be counted towards this requirement. Samples should be collected within 24 hours after the storm. The storms during which the data was collected should also be characterized for duration and total rainfall. Storm frequency (return interval) should be reported as described in Technical Paper #40 of USDOC Weather Bureau. Results should be examined to determine the efficiency of the structure and percent removal of pollutants. Data should be compared to past periods and graphs should be provided to support conclusions.
6. Quarterly photographic monitoring of selected outfalls will be required to determine the stability of the area. DEP will locate sites for these photos in the field with the consultant. Photos should be taken from the same location, height, etc. to facilitate comparison. An object of known size should be included with each shot to provide a frame of reference. Reports should evaluate whether flows from the structure are causing erosion or instability.
7. Embeddedness readings will continue as during pre-construction. Photos of the stream bottom should be taken concurrently with embeddedness readings. Reports should compare pre-construction data with data collected during subsequent periods to evaluate the effect of the project. Graphs should be presented along with conclusions.
8. Groundwater monitoring will continue as during pre-construction. Actual elevation of the groundwater should be reported as well as the depth to water from the ground surface. Data should be analyzed to determine the effectiveness of site design and stormwater management in providing infiltration and maintaining groundwater levels. Data from the pre-construction period should be compared to results obtained in subsequent periods. Graphs should be provided to support conclusions.

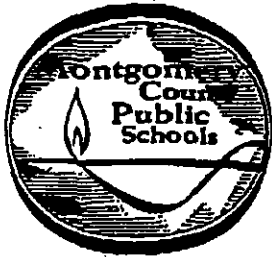
9. Cross sections established during pre-construction will be monumented and surveyed annually. Data will be plotted and compared over time to evaluate channel stability in the tributary. Photos of the cross section looking upstream and downstream should be collected annually also. Photos should be taken from the same location, height, etc. to facilitate comparison. An object of known size should be included with each shot to provide a frame of reference. Reports should evaluate whether the BMPs are effectively preventing degradation of the channel.
10. Sampling of water quality BMP's will be performed to ascertain their effectiveness and the benefits of redundant design. Grab samples will be collected from the baseflow of pond 3. Automated flow-weighted stormwater samples will be collected from additional BMPs (bioretention filters, groundwater recharge trenches, clean water recharge trenches and sand filters) at inflow and outflow points. Stormwater samples require 0.5 to 1 inch of rain over a 24 hour period not to exceed one inch over 24 hours. Reports should include information on the duration, total rainfall and return interval of the storm based on the site rain gage. Samples will be analyzed for TSS, nitrate, ortho-phosphorus, metals, BOD, TKN, total phosphorus, petroleum hydrocarbons and herbicides/pesticides. Loadings should be estimated where possible and comparisons made to published results for other BMP designs.

Monitoring requirements 1 through 9 will be in effect throughout the construction period. Following completion of construction, TSS monitoring of the sediment pond (requirement 5) will terminate. Post-construction monitoring (requirements 1-4, and 6-9) will continue for five years after construction. Sampling of water quality BMPs (requirement 10) will also have a duration of five years. Reports on BMP monitoring are due to DEP by May 30 and October 31 of each year. County code requires that reports be submitted quarterly. These quarterly reports may be incorporated in these semi-annual reports. This should be reflected in the title of the documents. BMP monitoring reports are to be delivered with data in an electronic format to Mark Sommerfield at Montgomery County DEP and also to Leo Galanko at Montgomery County DPS. Monitoring requirements 1 through 9 above will be in effect throughout the construction phase of the project. Post construction monitoring TSS readings from the sediment ponds (requirement #5) will not be required. The other monitoring requirements will be in effect for three years after the development is completed. Questions on the monitoring requirements and procedures may be directed to the following personnel.

Mark Sommerfield  
(240) 777-7737  
[mark.sommerfield@co.mo.md.us](mailto:mark.sommerfield@co.mo.md.us)

Doug Marshall  
(240) 777-7740  
[douglas.marshall@co.mo.md.us](mailto:douglas.marshall@co.mo.md.us)

Leo Galanko  
(240) 777-6242  
[leo.galanko@co.mo.md.us](mailto:leo.galanko@co.mo.md.us)



850 Hungerford Drive • Rockville, Maryland • 20850-1747  
Telephone (301) 279-3425

May 2, 2002

Mr. Arthur Holmes Jr., Chairman  
Montgomery County Planning Board  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Dear Mr. Holmes:

Re: Clarksburg Town Center – Site Plan 8-02014 Phase 2

This is to comment on the referenced site plan as it concerns the future elementary school that is to be dedicated to the Board of Education.

We appreciate the recent efforts of M-NCPPC staff and the developer to address our concerns of storm water management, forestation and grading. The developer has agreed to enlarge the storm water management facility to serve the school and configure the property lines to separate it from the future school site. Forestation areas are to be provided off site by the developer. The developer has also agreed, and M-NCPPC concurred, that grading near the existing pond will be modified to provide more buildable area on the school site.

However, we are still concerned about the extensive grading that will be required to make the site a buildable one. Our concerns focus on two grading areas, the adjacent ballfields and the school site itself.

Adjacent ballfields

Current plans call for the construction of two ballfields that will be dedicated to the M-NCPPC. Plans call for a ten-foot grade difference between these fields and the school property, necessitating the construction of a retaining wall. Montgomery County Public Schools requests that as a condition of the site plan approval, the applicant be required to re-configure the ballfields, locating them further from the school property line, or if this is not feasible, construct an adequate retaining wall to accommodate the difference in grade.

Grading of school site

In developing Terrabrook, the final grades are such that in order to build the school, including the playgrounds, driveways and parking areas, approximately 20 –23 feet of fill dirt will be required across the bulk of the property. This is an unacceptable additional expense and constitutes a condition of excessive grading. In fact, the Montgomery County Council has in the past directed the Board of Education to ensure that any proposed dedicated school sites are usable and will not require major expense to develop. Since

---

Department of Facilities Management  
7361 Calhoun Place – Suite 400  
Rockville, Maryland 20855

Mr. Arthur Holmes, Jr.

-2-

May 2, 2002

the applicant was not required to complete a final grading study until site plan, this condition was not known at preliminary plan.

As stated in the Montgomery County Code, Section 50-30 (d and e):

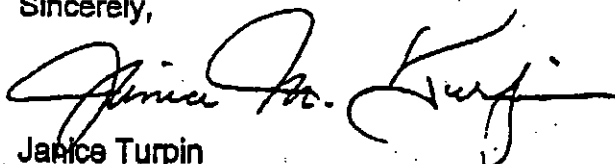
*"Unless the applicant agrees to pay for additional site preparation costs, a site may be refused as unsuitable because of natural features if site preparation work for the intended public use will require significant excavation of rock, excessive grading or the grading steep slopes, remedial environmental measures or similar work."*

*"... if the Board finds that the same can be lessened by a rearrangement of lots and streets or other platting devices, the board may require that the subdivision be so rearranged..."*

MCPS requests that as a condition of site plan approval, the applicant provide adequate engineered fill for the building and rough grade the remainder of the school site to allow school construction at reasonable cost. Alternatively, if this cannot be done, MCPS will consider another site within the subdivision.

Thank you again for your cooperation and assistance. If you need additional information, please contact me at 301-279-3131 or Mary Pat Wilson, site administration specialist at 301-279-3009.

Sincerely,



Janice Turpin  
Real Estate Management Team Leader  
Department of Facilities Management

JMT:mpw

Copy to:

Mr. Hawes

Mr. Burke

Mr. Shpur

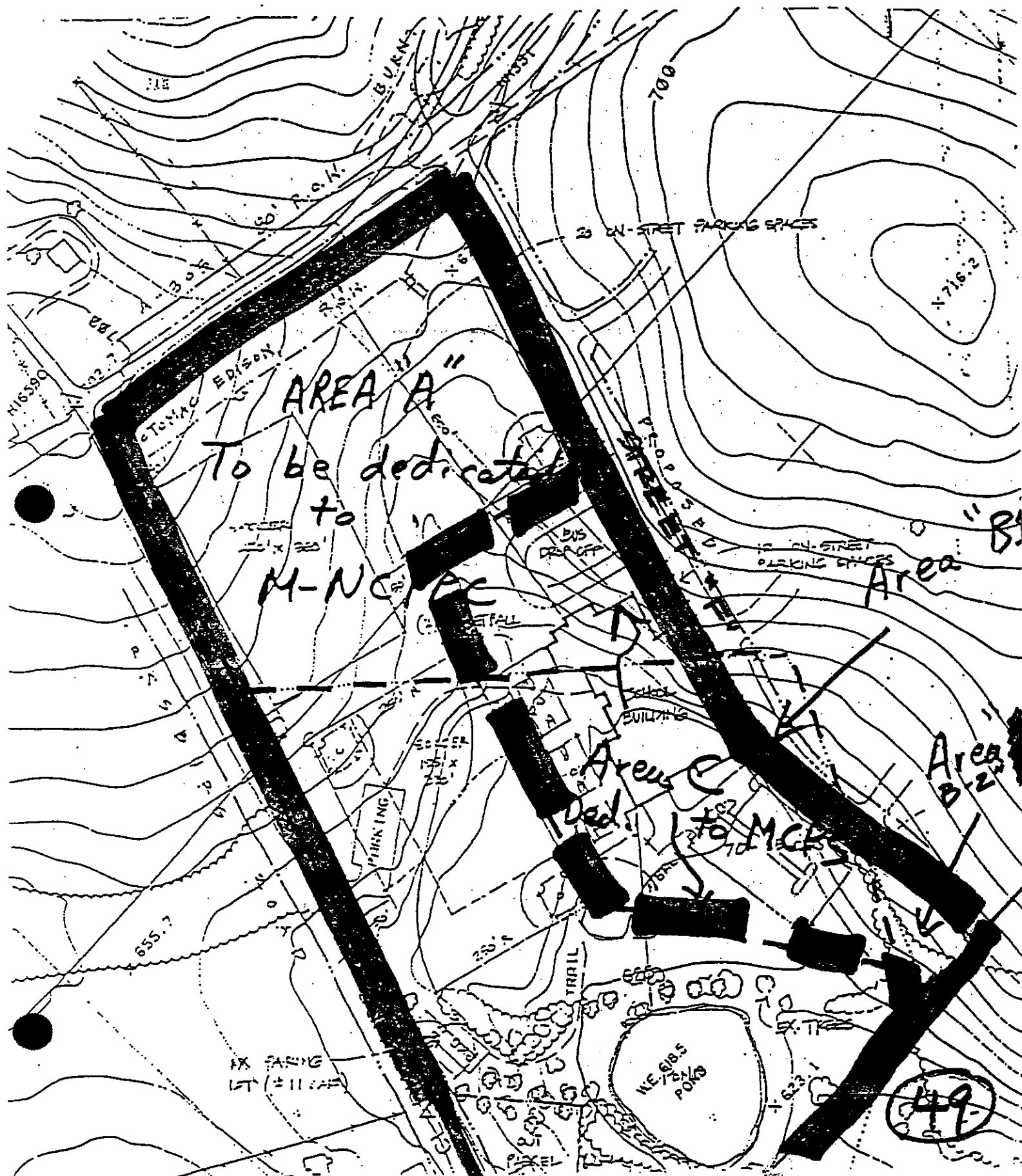
Mr. Davis

Ms. Witthans

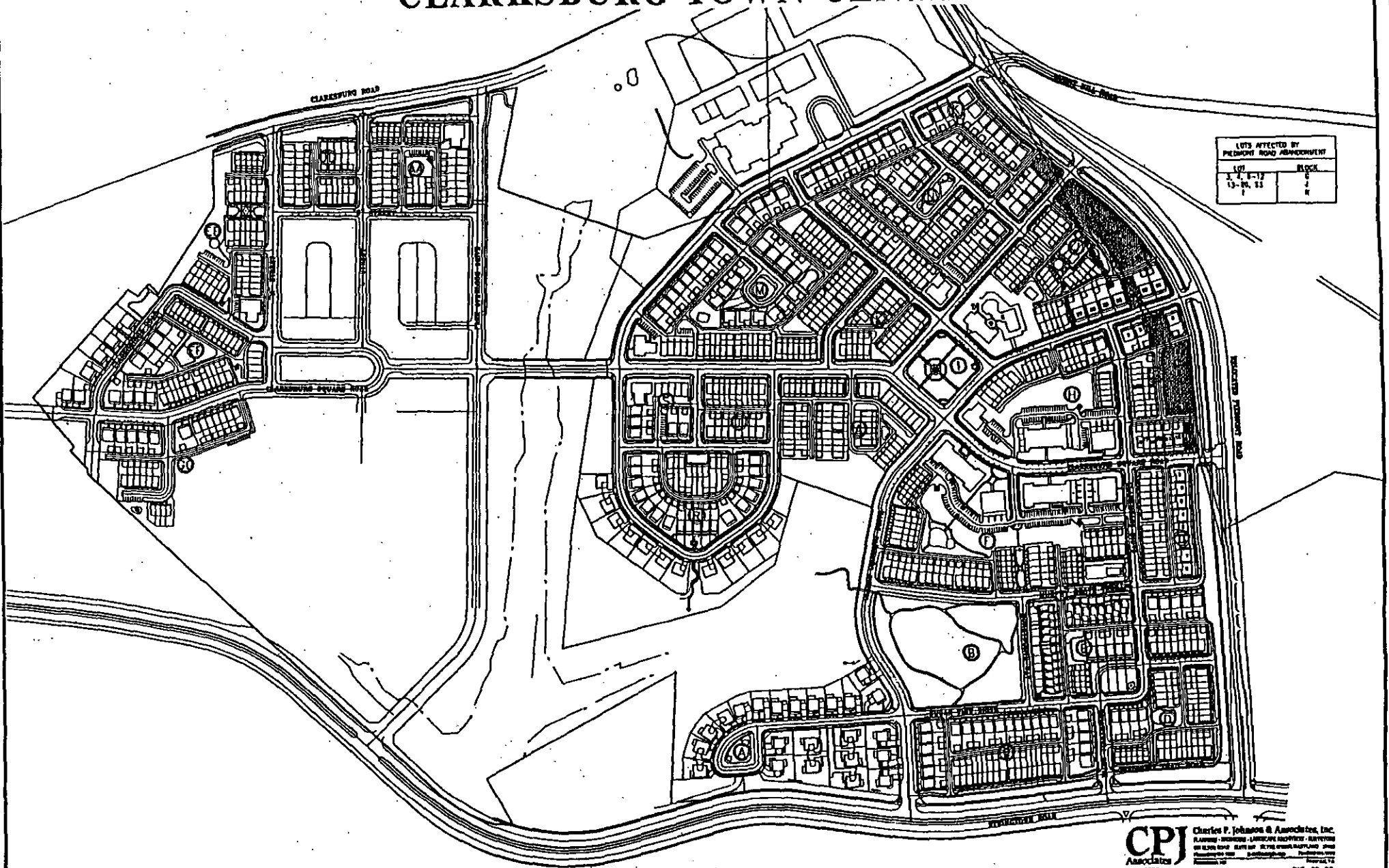
Ms. Schmieler



CLARKSBURG TOWN CENTER  
Preliminary Plan 1-95042



# CLARKSBURG TOWN CENTER

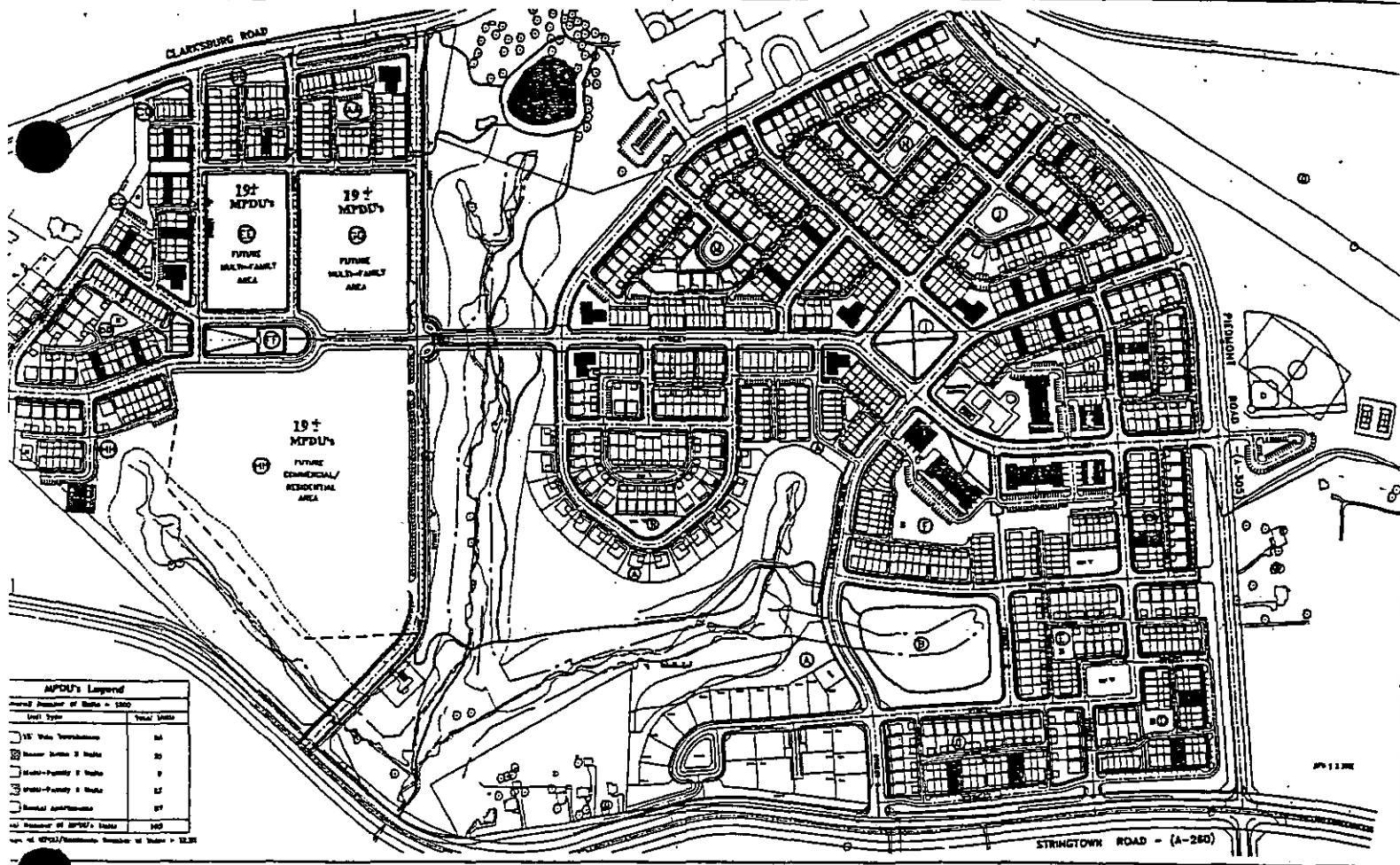


LOTS AFFECTED BY PIEDMONT ROAD ABANDONMENT	
LOT	BLOCK
1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100	1

**CPI** Associates  
 Charles P. Johnson & Associates, Inc.  
 CLARKSBURG, MARYLAND  
 MAY 2002

## PIEDMONT ROAD ABANDONMENT EXHIBIT

# CLARKSBURG



MPDU LOCATION PLAN

May 2, 2002

SKG



DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan  
County Executive

Robert C. Hubbard  
Director

MEMORANDUM

May 2, 2002

TO: Wynn Witthans  
Development Review Division - MNCPPC

FROM: Sarah R. Navid *S. Navid*  
Right-of-Way Permitting and Plan Review Section

SUBJECT: Site Plan Review #8-8-02014 - Clarksburg Town Center Phase II

We have reviewed the subject site plan and have the following comments:

- Clarksburg Road - the applicant will be responsible for the roadway improvements for one half of the 80' arterial right-of-way from Overlook Park Drive to A-305 (Piedmont Road) in those sections adjacent to the site plan limits. The road will be designed per Standard No. MC-213.04, which includes a 12' wide travel lane, a 12' wide shoulder (4' paved), a ditch, street trees and a bike path along the south side of the road. The bike path will need to be located outside the right-of-way. We will work with MNCPPC and DPWT on the final design details of a possible variable alignment for the bike path along the park and school property. Additionally, left turn lanes (150' minimum length) will be required westbound at Overlook Park Drive and eastbound at A-305. These two intersections will be closed section where the additional lanes are added.
- Piedmont Road (A-305) - the applicant will be responsible for the full roadway improvements within the 80' arterial right-of-way from Clarksburg Road to Stringtown Road per Standard No. MC-213.04. Modifications for auxiliary lanes as needed at the intersections will be indicated by DPS at permit review. The bikepath adjacent to the site will need to be located in a PIE. No sidewalk is required on the east side of Piedmont Road.



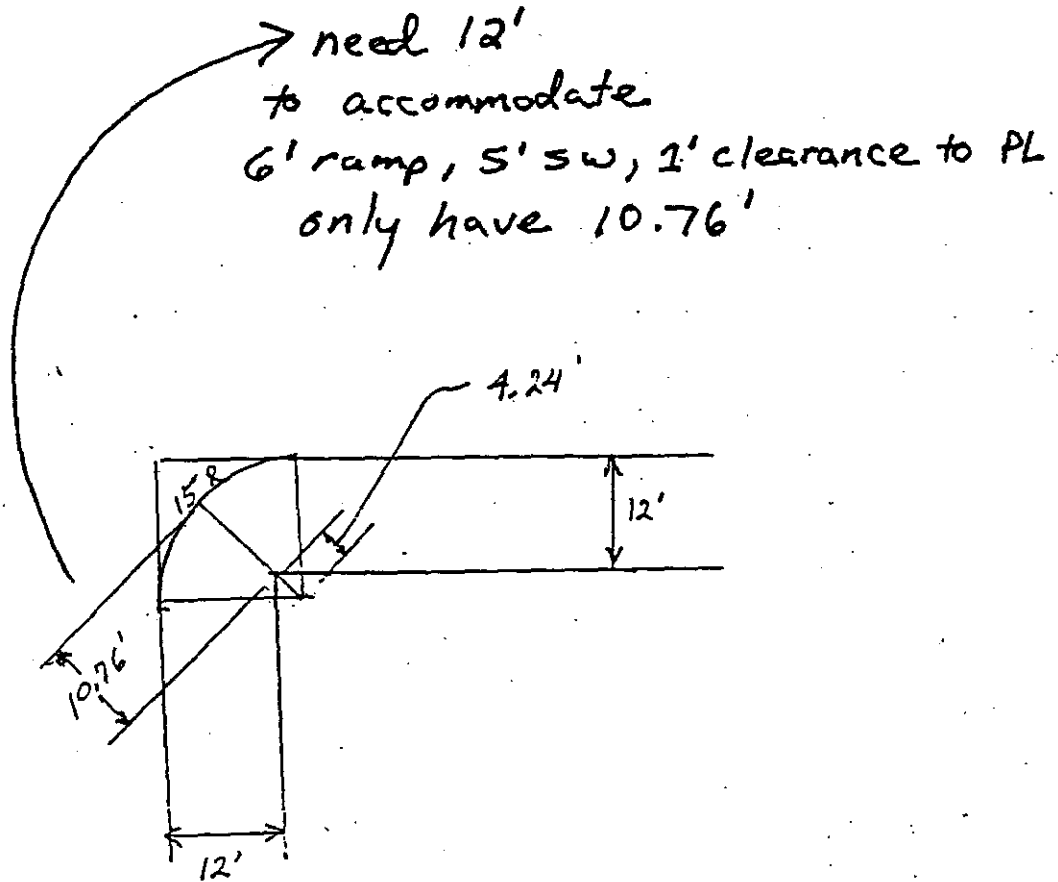
- Block N – the street block adjacent to Lots 39-42 must be private since its only egress is via an alley on the north. We recommend that a waiver be granted to allow single - family houses on a private street. The loop road around the central square should be shown as one-way counterclockwise. A horizontal curvature waiver is needed for the curve on the southwest corner of the square.
- Block M – the loop road around the square will need a horizontal curvature waiver. However, the radius on the curve on the east corner still needs to be increased. The loop road around the square should be shown to operate one-way counterclockwise.
- Grapevine Ridge Road will operate one-way northbound; this should be shown on the plan. The chokers at either end of Grapevine Ridge Road south of Clarksburg Square Road should be eliminated.
- Curb ramps at intersections must meet MCDPWT and ADA dimensions; this may require some additional right-of-way (truncation) at some intersections. The attached drawing shows that where truncations are not provided on tertiary streets, the required space to install the six foot long ramp, a five foot level sidewalk area and one foot of clearance to the property line is not available.

We appreciate the opportunity to comment on this plan.

sm\clarksburgphase2.doc

cc: Tracy Graves  
Les Powell  
Greg Leck

# Attachment Clarksburg Town Center - Phase II



**LINOWES  
AND BLOCHER LLP**  
ATTORNEYS AT LAW

May 20, 2003

Todd D. Brown  
301.961-5218  
tbrown@linowes-law.com

Ms. Wynn E. Witthans  
Maryland-National Capital  
Park and Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

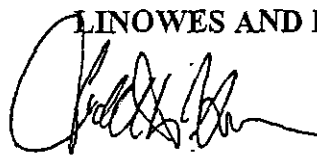
Re: Site Plan Review 8-02014 (Clarksburg Town Center)

Dear Wynn:

Enclosed on behalf of the Applicant, Terrabrook Clarksburg L.L.C., is a revised draft Site Plan Enforcement Agreement for Phase II of the Clarksburg Town Center. The Agreement has been modified consistent with our recent telephone conversation and should be acceptable at this point for signature. We have also enclosed a copy of the draft Agreement that has been marked to show these changes. Please let me know if the Agreement is acceptable and we will make arrangements for it to be signed by Terrabrook and returned to you for final execution.

Thank you for your continued assistance with this matter. If you have any questions, please contact me.

LINOWES AND BLOCHER LLP



Todd D. Brown

TDB:cp  
Enclosures

cc: Ms. Tracy Graves  
Stephen Z. Kaufman, Esquire

#331470 v1

**LINOWES**  
**AND BLOCHER LLP**  
ATTORNEYS AT LAW

June 19, 2003

Todd D. Brown  
301.961.5218  
tbrown@linowes-law.com

Ms. Tracy Z. Graves  
Residential/Sales & Marketing Manager  
Terrabrook  
1 Discovery Square  
12010 Sunset Hills Road  
Reston, Virginia 20190

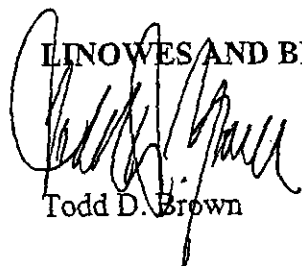
Re: Clarksburg Town Center – Site Plan Enforcement Agreement

Dear Ms. Graves: . .

Following our meeting with Planning Commission Staff on June 18, I met with Wynn Witthans to discuss the revised Site Plan Enforcement Agreement for Phase II of the Town Center project. We transmitted this draft to Wynn by cover letter dated May 20, 2003. At the meeting Wynn indicated she wanted Mary Pat Wilson of Montgomery County Public Schools to review the revised draft. However, in the absence of any comments from Mary Pat, Wynn is satisfied with the Agreement.

To speed the final approval process along, we have enclosed for execution by you on behalf of Terrabrook Clarksburg LLC what we hope will be the final Agreement for Phase II. The enclosed document is identical to that transmitted to Wynn on May 20. In the event Mary Pat has any comments, we can substitute pages if necessary. Accordingly, please sign the enclosed Agreement and return the original to me. Upon receipt, I will forward same to Wynn for final approval. In the interim, if we hear anything from Mary Pat, I will contact you.

Very truly yours,

  
**LINOWES AND BLOCHER LLP**  
Todd D. Brown

TDB:cp  
Enclosure

cc: Stephen Z. Kaufman, Esquire

#334409 v1



**LINOWES  
AND BLOCHER LLP**  
ATTORNEYS AT LAW

June 27, 2003

Todd D. Brown  
301.961-5218  
tbrown@linowes-law.com

*TC Tracy 10/22/03  
check w/ Wynn on rd. construction issues  
add reference to Rule/Manual  
change*

Ms. Wynn E. Witthans  
Maryland-National Capital  
Park and Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Re: Site Plan Review No. 8-02014 (Clarksburg Town Center) - Phase II

Dear Wynn:

Enclosed pursuant to our June 26, 2003 telephone conversation is the final Site Plan Enforcement Agreement for the Clarksburg Town Center. The enclosed Agreement has been signed by Tracy Graves on behalf of Terrabrook. As discussed, former Exhibit B-1 has been replaced with the Planning Board's opinion approving the Site Plan to eliminate any inconsistent language that may have appeared in prior drafts. The remainder of the Agreement is unchanged. Please contact us once the Planning Board's designee has signed the Agreement, and we will make arrangements to pick up same from your offices.

Thank you very much for your continued assistance with this matter. If you have any questions, please do not hesitate to call.

LINOWES AND BLOCHER LLP

  
Todd D. Brown

TDB:cp  
Enclosure

cc: Ms. Tracy Graves  
Stephen Z. Kaufman, Esquire

#335348 v1

*TC Donald O'Brien 8/25/03  
School/agency's work, include  
as a part of presentation  
S.S. set.  
TC Tracy - 10/6/03  
He will speak at meeting  
- time - reference in  
App. A to Park/School  
Agreement*

## **Patterson, Cindy R. - CRP**

---

**From:** Patterson, Cindy R. - CRP on behalf of Brown, Todd D. - TDB  
**Sent:** Friday, December 12, 2003 5:05 PM  
**To:** 'tariq.el-baba@mncppc-mc.org'  
**Subject:** FW: Clarksburg Town Center

-----Original Message-----

**From:** Patterson, Cindy R. - CRP **On Behalf Of** Brown, Todd D. - TDB  
**Sent:** Friday, October 31, 2003 3:46 PM  
**To:** 'tariq.elbaba@mncppc-mc.org'; 'wynn.witthans@mncppc-mc.org'  
**Cc:** 'jim.richmond@terrabrook.com'  
**Subject:** Clarksburg Town Center

Tariq and Wynn:

Attached is a redlined copy of revised page B-3 of the Site Plan Enforcement Agreement for Phase II of the Clarksburg Town Center. New Paragraphs 4 and 5 have been added to reference the agreements with MCPS and the Development District. A clean copy of revised page B-3 is also attached. If the suggested language in Paragraphs 4 and 5 are acceptable, please substitute the attached page B-3 for page B-3 of the Site Plan Enforcement Agreement which has been signed by the Applicant and which Tariq has reviewed. Thank you.

Todd D. Brown  
301.961.5149  
tbrown@linowes-law.com



Redline Page B-3 of  
Clarksburg...



Page B-3 of  
Clarksburg SPEA.DO...

Cindy Patterson  
Linowes and Blocher LLP  
7200 Wisconsin Avenue  
Suite 800  
Bethesda, MD 20814  
(301) 961-5184  
(301) 654-0504 (main)  
(301) 654-2801 (fax)  
[www.linowes-law.com](http://www.linowes-law.com)

For a complete listing of new phone numbers and e-mail addresses, go to [www.linowes-law.com](http://www.linowes-law.com).

**Brown, Todd D. - TDB**

---

**From:** Brown, Todd D. - TDB  
**Sent:** Monday, February 09, 2004 9:23 AM  
**To:** 'jrichmond@newlandcommunities.com'  
**Subject:** Clarksburg Site Plan Enforcement Agreement

Jim, attached is a revised version of the Site Plan Enforcement Agreement that contains the latest request from Wynn which is to include as paragraphs 4 and 5 of the Development Program (Exhibit B to the Agreement) the verbatim text of Preliminary Plan conditions 6 and 7. Please let me know if this is ok to transmit to MNCPPC for final approval. Tracy had previously signed the agreement, so we would propose substituting the revised pages. Thanks you.



Clarksburg - Site Plan  
Enforce...

*Wynn. Withams@MNCPPC - MC.06*

~~Patterson, Cindy R. - CRP~~

---

From: Patterson, Cindy R. - CRP on behalf of Brown, Todd D. - TDB  
Sent: Friday, March 12, 2004 2:39 PM  
To: 'wynn.witthans@mncppc-mc.org'  
Subject: Clarksburg Site Plan Enforcement Agreement

Wynn,

Attached is the revised draft of the Site Plan Enforcement Agreement for your review.

Todd D. Brown  
301.961.5218  
tbrown@linowes-law.com



Clarksburg - Site Plan  
Enforce...

**Brown, Todd D. - TDB**

---

**From:** El-Baba, Tariq [Tariq.El-Baba@mncppc-mc.org]

**Sent:** Monday, September 20, 2004 1:09 PM

**To:** Brown, Todd D. - TDB

**Subject:** Clarksburg Town Center SPEA

Todd:

One item I require is a copy of the fully executed Land Exchange Agreement. I have not yet received a copy of that agreement—Doug Powell has been trying to locate a copy for me, apparently without success. I need a copy of that document before I can forward the SPEA for final execution, pursuant to the preliminary plan conditions. The packet I received earlier this month from the School Board did not include a copy of that document. Please forward one to my attention.

Also, I have attached a copy of the last version of the SPEA that you issued to us that incorporates my final redline comments that address concerns the School Board had with the language. Please confirm the change is acceptable.

Following receipt/confirmation of the above items I will forward the SPEA for execution. Thank you.

**Tariq A. El-Baba**

**Associate General Counsel**

The Maryland-National Capital

Park and Planning Commission

8787 Georgia Avenue

Suite 205

Silver Spring, MD 20910

tel: (301) 495-4646

fax: (301) 495-2173

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9/20/04

**Brown, Todd D. - TDB**

---

**From:** Brown, Todd D. - TDB  
**Sent:** Wednesday, September 22, 2004 2:33 PM  
**To:** 'El-Baba, Tariq'  
**Subject:** RE: Clarksburg Town Center SPEA

Tariq, I have a copy of the signed Land Exchange Agreement and will forward to you. The language you suggest on revised page B-3 to the SPEA is acceptable. Please insert the language into the signed agreement and forward the entire agreement to Charlie (?) for signature. Thanks very much. I will overnight the Land Exchange Agreement. Please let me know when the site plan enforcement agreement has been signed.

-----Original Message-----

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**Tariq A. El-Baba**  
**Associate General Counsel**  
The Maryland-National Capital  
Park and Planning Commission  
8787 Georgia Avenue  
Suite 205  
Silver Spring, MD 20910  
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9/22/04

**LINOWES  
AND BLOCHER LLP**  
ATTORNEYS AT LAW

September 22, 2004

Todd D. Brown  
301.961.5218  
tbrown@linowes-law.com

**By Overnight Delivery**

Tariq El'Baba, Esq.  
Maryland-National Capital Park  
and Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

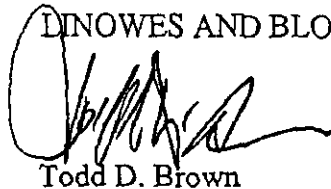
Re: Clarksburg Town Center - Site Plan Enforcement Agreement (Site Plan No. 8-02014)

Dear Tariq:

Enclosed per your request is a copy of the executed Land Exchange Agreement by and among the Board of Education of Montgomery County, the Maryland-National Capital Park and Planning Commission and Terrabrook Clarksburg LLC. Also enclosed is a copy of the executed Construction and Grading Easement Agreement by the same parties. The Land Exchange Agreement is dated June 16, 2004. The Construction and Grading Easement Agreement is dated June 28, 2004. Lastly, the changes to page B-3 of the Site Plan Enforcement Agreement transmitted to me by email on September 20, 2004 (copy attached) are acceptable. Accordingly, we believe the Site Plan Enforcement Agreement can now be signed by the Planning Board designee.

Thank you for your continued assistance with this matter. Please provide me with a copy of the fully-executed Site Plan Enforcement Agreement once it becomes available.

Sincerely,

  
LINOWES AND BLOCHER LLP  
Todd D. Brown

*TC Debbie @ legal 10/24/04  
at approval met.  
10/16/04 rm Tariq 10/13*

TDB:cp  
Enclosures

cc: Ms. Kim Ambrose

#382926 vt

~~Brown, Todd D. - TDB~~

---

**From:** El-Baba, Tariq [Tariq.El-Baba@mncppc-mc.org]  
**Sent:** Thursday, October 14, 2004 11:23 AM  
**To:** Brown, Todd D. - TDB  
**Cc:** Withans, Wynn  
**Subject:** RE: Clarksburg Town Center SPEA  
Todd:

Per our telephone conversations earlier today, I have made the deletion to the language of condition no. 5 of the SPEA Development Program. Redlined and clean versions of the revised document are attached for your review and records.

I will substitute the amended pages for the superseded ones in the previously submitted signed SPEA and will forward the agreement today for Commission execution. Rick Hawthorne, Acting Chief, Development Review Division will sign for the Planning Board; and, as I understand the process, the documents will be then be forwarded to Wayne Cornelius.

You should contact Wayne from this point forward to verify the status. Thank you.

**Tariq A. El-Baba**  
**Associate General Counsel**  
The Maryland-National Capital  
Park and Planning Commission  
8787 Georgia Avenue  
Suite 205  
Silver Spring, MD 20910  
tel: (301) 495-4646  
fax: (301) 495-2173

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**Sent:** Monday, September 20, 2004 1:09 PM  
**To:** Brown, Todd D. - TDB  
**Subject:** Clarksburg Town Center SPEA

10/14/04



Todd:

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**Tariq A. El-Baba**  
**Associate General Counsel**  
 The Maryland-National Capital  
 Park and Planning Commission  
 8787 Georgia Avenue  
 Suite 205  
 Silver Spring, MD 20910  
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**CPJ**  
Associates**Charles P. Johnson & Associates, Inc.**  
Planners Engineers Landscape Architects Surveyors Environmental Services1751 Elton Road • Silver Spring, MD 20903 • 301-434-7000 • Fax: 301-434-9394  
June 30, 2005MNCPPC-Montgomery County  
8787 Georgia Avenue  
Silver Spring, MD 20907

Attn.: Ms. Rosa Krasnow

Re: Clarksburg Town Center

Dear Ms. Krasnow,

The record plats for the Phase 2 section of Clarksburg Town Center were reviewed by MNCPPC staff and recorded prior to final staff signature on the Phase 2 signature set based on a discussion that occurred prior to recordation of the plats between Wynn Witthans, Wayne Cornelius, Richard Weaver and me. At that time, staff agreed that because of unresolved issues that were completely beyond the control of our client between the Parks Department and Montgomery County Public Schools concerning the Park/School site within the Town Center Community, staff would allow the plats to proceed to record. It is my understanding the Staff decision was also based on its review of and determination that the Phase 2 Site and Landscape Plans had met all of the conditions of approval. Finally, we want to assure the Planning Board that the reference to the Phase 1 site plan number on the Phase 2 record plats was a completely unintentional and inadvertent oversight and had absolutely no bearing on staff's decision to record the Phase 2 plats as discussed above.

Sincerely yours,

  
Les W. Powell, LLC

[Click here for a plain text ADA compliant screen.](#)



Maryland Department of Assessments and Taxation  
MONTGOMERY COUNTY  
Real Property Data Search

[Go Back](#)  
[View Map](#)  
[New Search](#)  
[Ground Rent](#)

Account Identifier: District - 02 Account Number - 03390498

#### Owner Information

Owner Name: SHILEY, KIMBERLY A Use: RESIDENTIAL  
Principal Residence: YES  
Mailing Address: 13021 EBENEZER CHAPEL DR Deed Reference: 1) /25595/ 498  
CLARKSBURG MD 20871 2)

#### Location & Structure Information

Premises Address  
13021 EBENEZER CHAPEL DR  
CLARKSBURG 20871

Legal Description  
CLARKSBURG TOWN CENT  
ER

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assesment Area	Plat No:	22366
EW32				44		DD	16	1	Plat Ref:	

Special Tax Areas	Town Ad Valorem Tax Class	42
Primary Structure Built	Enclosed Area	Property Land Area

2003	2,640 SF	2,200.00 SF	County Use 111
------	----------	-------------	-------------------

Stories	Basement	Type	Exterior
3	NO	CENTER UNIT	FRAME

#### Value Information

	Base Value	Value As Of 01/01/2004	Phase-in Assessments	
			As Of 07/01/2005	As Of 07/01/2006
Land:	50,000	80,000		
Improvements:	215,640	246,490		
Total:	265,640	326,490	306,206	326,490
Preferential Land:	0	0	0	0

#### Transfer Information

Seller: MILLER AND SMITH AT CLARKSBURG LLC	Date: 10/21/2003	Price: \$352,080
Type: IMPROVED ARMS-LENGTH	Deed1: /25595/ 498	Deed2:
Seller: TERRABROOK CLARKSBURG LLC	Date: 01/10/2003	Price: \$835,000
Type: MULT ACCTS ARMS-LENGTH	Deed1: /22765/ 538	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

#### Exemption Information

Partial Exempt Assessments	Class	07/01/2005	07/01/2006
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO  
Exempt Class:

Special Tax Recapture:

\* NONE \*

Click here for a plain text ADA compliant screen.



Maryland Department of Assessments and Taxation  
MONTGOMERY COUNTY  
Real Property Data Search

[Go Back](#)  
[View Map](#)  
[New Search](#)  
[Ground Rent](#)

Account Identifier: District - 02 Account Number - 03390192

#### Owner Information

Owner Name: SMITH, RONALD W SR & CAROL L Use: RESIDENTIAL  
Principal Residence: YES  
Mailing Address: 23601 GENERAL STORE DR Deed Reference: 1) /26175/ 442  
CLARKSBURG MD 20871-4322 2)

#### Location & Structure Information

##### Premises Address

23601 GENERAL STORE DR  
CLARKSBURG 20871-4322

##### Legal Description

CLARKSBURG TOWN CENT  
ER

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assesment Area	Plat No:	22365
EW32				44		AA	19	1	Plat Ref:	

Special Tax Areas	Town Ad Valorem Tax Class	42
Primary Structure Built 2003	Enclosed Area 1,948 SF	Property Land Area 3,037.00 SF

County Use	116
Stories 2	Basement YES

Type	END UNIT	Exterior	1/2 BRICK FRAME

#### Value Information

	Base Value	Value As Of 01/01/2004	Phase-in Assessments As Of 07/01/2005	As Of 07/01/2006
Land:	50,000	80,000		
Improvements:	246,930	293,070		
Total:	296,930	373,070	347,690	373,070
Preferential Land:	0	0	0	0

#### Transfer Information

Seller: NVR INC	Date: 12/18/2003	Price: \$415,715
Type: IMPROVED ARMS-LENGTH	Deed1: /26175/ 442	Deed2:
Seller: THALIA CLARKSBURG LLC	Date: 09/15/2003	Price: \$851,515
Type: MULT ACCTS ARMS-LENGTH	Deed1: /25232/ 218	Deed2:
Seller: TERRABROOK CLARKSBURG LLC	Date: 01/17/2003	Price: \$1,244,490
Type: MULT ACCTS ARMS-LENGTH	Deed1: /22837/ 321	Deed2:

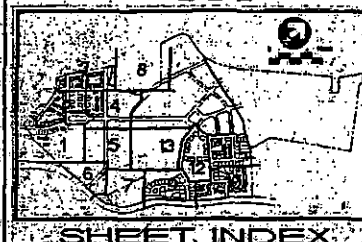
#### Exemption Information

Partial Exempt Assessments	Class	07/01/2005	07/01/2006
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO  
Exempt Class:

Special Tax Recapture:

\* NONE \*



SHEET INDEX

PARCEL 800 EW 32  
LAWRENCE A FUNT ET. AL  
C/O HANNA ENTERPRISES INC.

PARCEL 550 EW 32  
HENRY A. AND M. J. WATERMAN

PARCEL 506 EW 32  
CLARKSBURG JOINT VENTURE  
C/O ROBERT R. HILLERSON, PA.

PARCEL 507 EW 32  
CLARKSBURG JOINT VENTURE  
C/O ROBERT R. HILLERSON, PA.

CLARKSBURG ROAD

27 STREET

K STREET

10 STREET

10 STREET

MATCH LINE - SEE SHEET 2

MATCH LINE - SEE SHEET 4

APPROVED SITE PLAN  
THE NO. 1-100  
MONTGOMERY COUNTY PLANNING BOARD  
*J.H.R.* 3/21/94  
FOR THE RECORD

THE UNDERSIGNED AGREES TO RECORD ON THESE RECORDS AND  
REQUIREMENTS OF THIS PLAN IN ACCORDANCE WITH THE  
AGREEMENTS BETWEEN THE MONTGOMERY COUNTY PLANNING  
BOARD AND THE UNDERSIGNED, DATED 1/28/94.  
*[Signature]*  
MONTGOMERY COUNTY PLANNING BOARD



SITE PLAN  
CLARKSBURG TOWN CENTER  
CLARKSBURG (2ND ELECTION DISTRICT)  
MONTGOMERY COUNTY, MARYLAND

OWNER:  
CLARKSBURG TOWN CENTER  
C/O FIRST ENERGY LLC  
ATTN: JAMES P. GALT  
PO BOX 100  
CLARKSBURG, MD 20746

URBAN BUILDING SETBACKS per SECTION 59-C-10.3.8

Setbacks shown reflect a 50% reduction as previously approved by the Planning Board during Project Plan and Preliminary Plan for this development.

- From one-family residential zoning
- From residential to any other than one-family
- From any street

Minimum Lot Requirements for Residential Lots - modification per Section 59-C-10.3.8 of Zoning Ordinance

	570	770	One-half Acre	One-half Acre
Lot Area	4000 sqft	11200 sqft	8500 sqft	NA
Front Yard	10'	15'	15'	15'
Lot E23.0 Street	25'	15'	20'	NA
Min. Lot Width @ Stop Line	40'	15'	20'	NA
Front Yard	10'	15'	15'	15'
Side Yard	5'	5'	5'	5'
Min. space between End Stops	15'	5'	5'	30'

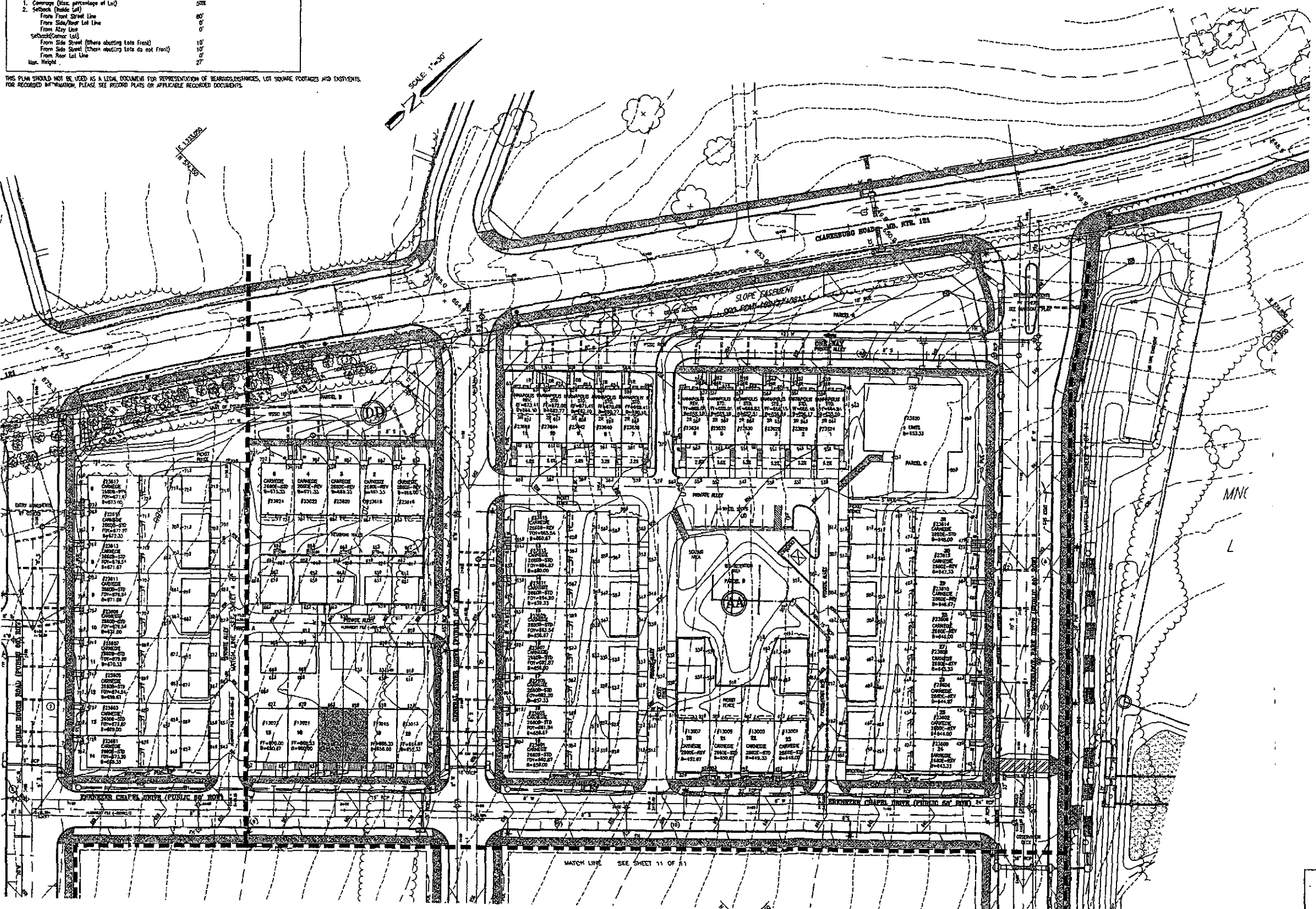
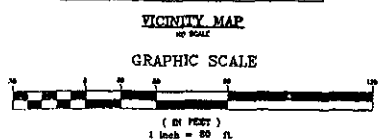
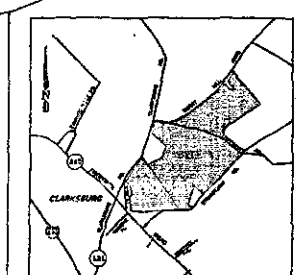
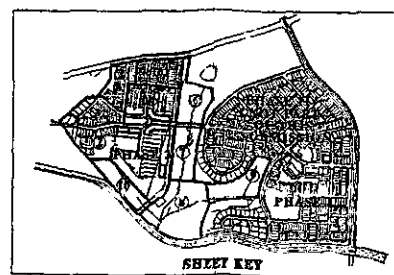
\* 1/4-block separation between end units may be reduced to 4'.

Residential Accessory Buildings/Lot Standards

- Coverage (Max. percentage of Lot)
- Setback (Min. distance)

From Front Street Line	50'
From Side/Rear Lot Line	0'
From Key Line	0'
Setback/Corner (all)	0'
From Side Street (where abutting lots front)	10'
From Side Street (where abutting lots do not front)	10'
From Rear Lot Line	0'
Max. Height	27'

THIS PLAN SHOULD NOT BE USED AS A LEGAL DOCUMENT FOR REPRESENTATION OF BEARINGS, DISTANCES, LOT SQUARE FOOTAGES AND EXISTENTS. FOR RECORDED INFORMATION, PLEASE SEE RECORD PLATS OR APPLICABLE RECORDED DOCUMENTS.



Charles P. Johnson & Associates, Inc.  
PLANNERS - ENGINEERS - ARCHITECTS - SURVEYORS  
1000 CLARKSBURG ROAD, SUITE 200, CLARKSBURG, MD 20611  
TEL: 410-326-1000 FAX: 410-326-1001  
CPJ ASSOCIATES

COPY OF APPROVED SITE PLAN  
CONTAINING MINOR REVISIONS  
DATE: 11/11/03  
BY: [Signature]  
FOR: [Signature]

PHASE 1A  
SITE DEVELOPMENT PLAN  
CLARKSBURG TOWN CENTER  
CLARKSBURG (2nd) ELECTION DISTRICT  
MONTGOMERY COUNTY, MARYLAND

SP #8-98001C

DEVELOPER'S CERTIFICATE

I, the undersigned, hereby certify that all the features and requirements of this site plan in accordance with the agreement between Montgomery County and the undersigned.

DATE: 11/11/03  
BY: [Signature]  
FOR: [Signature]

DEVELOPER'S NAME/COMPANY NAME/PARTICULAR NAME/NAME OF CONTRACT FIRM: [Signature]

PRINTED NAME: [Signature]

DATE	BY	FOR	DATE	BY	FOR
11/11/03	[Signature]	[Signature]	11/11/03	[Signature]	[Signature]



## AFFIDAVIT

I, Lesley Powell, am over 18 years old and state the following:

1. I am employed by the land planning and engineering consulting firm of Charles P. Johnson & Associates, Inc. My business address is Charles P. Johnson & Associates, Inc., 1751 Elton Road, Silver Spring, Maryland 20903. I have been employed by Charles P. Johnson & Associates, Inc. since 1984.

2. I am a professional landscape architect and a registered landscape architect licensed in the State of Maryland.

3. I have worked as a consultant for the developers of the Clarksburg Town Center since 2000. I have also worked as a consultant to various homebuilders within the Clarksburg Town Center development.

4. I am aware that in one or more instances, the lot and street configuration shown on recorded subdivision plats for the Clarksburg Town Center differ from the lot and street configuration shown on the most recent set of site plan documents signed by the Planning Staff of The Maryland-National Capital Park and Planning Commission. This inconsistency exists with respect to the following:

### Phase I

#### Section 1A

Sheet 2 of 11 - Plat Nos. 22766 & 23038

Sheet 4 of 11 - Plat No. 23094

#### Section 1B, Part 2

Sheet 4 of 5 - Plat No. 22494

#### Section 1B, Part 3

Sheet 2 of 3 - Plat No. 22228

### Phase II

Sheet 5 of 11 - Plat No. 22865

Sheet 6 of 11 - Plat No. 22907

Sheet 8 of 11 - Plat No. 22785

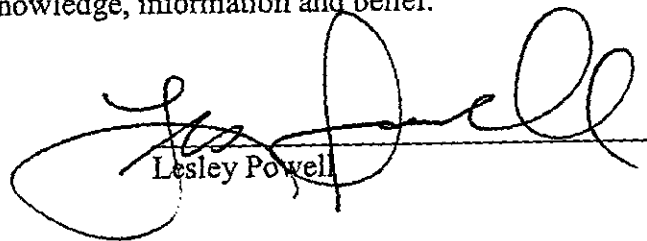
Sheet 9 of 11 - Plat No.'s 23047, 23048 & 23049

5. In each and every instance, revised site plans for the areas shown on the foregoing recorded subdivision plats were presented by me to Wynn Witthans for review and approval. These revised plans also included adjustments to the location of a limited number of MPDUs within the project. In each and every instance, Ms. Witthans indicated to me that she approved the changes shown on the revised plans, including the

adjustment to MPDU locations, and authorized me to submit final subdivision plats for review and recordation consistent with and reflecting the changes reviewed and approved by her and other members of the Planning staff.

6. Our office prepared and submitted subdivision plats that reflected the changes approved by Ms. Witthans. These plats were reviewed in the ordinary course by the Planning Commission, the Montgomery County Department of Permitting Services and the Montgomery County Department of Environmental Protection. The plats were presented to the Montgomery County Planning Board and were approved by the Planning Board. The plats were then signed by the Chairman of the Planning Board, the Director of the Department of Permitting Services and were recorded among the Land Records of Montgomery County, Maryland.

I solemnly affirm under the penalties of perjury that the contents of the foregoing paper are true to the best of my knowledge, information and belief.

  
Lesley Powell

\*\*\*

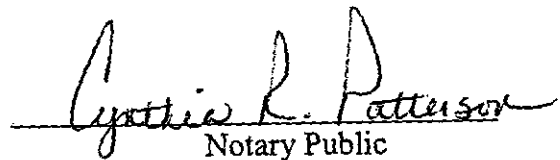
STATE OF MARYLAND

COUNTY OF Prince George's

\*  
\* to wit:  
\*

I HEREBY CERTIFY that on this 6<sup>th</sup> day of September, 2005, before me, a Notary Public in and for the State and County aforesaid, personally appeared Lesley Powell, known to me (or satisfactorily proven) to be the person whose name is subscribed to the foregoing and annexed instrument and acknowledged that said individual executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

  
Cynthia R. Patterson  
Notary Public

My Commission Expires: 9-1-07

[NOTARIAL SEAL]